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RESOLUTION OF INQUIRY CONCERNING THE U.S. VOTE IN THE U.N. SECURITY COUNCIL ON ISRAELI SETTLEMENTS IN THE OCCUPIED TERRITORIES

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

SECOND SESSION

ON

H. Res. 598

MARCH 12, 21, AND 26, 1980

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CONTENTS

WITNESSES

Wednesday, March 12, 1980:

Page
Hon. Elizabeth Holtzman, a Representative in Congress from the State of New York 5
Hon. Christopher J. Dodd, a Representative in Congress from the State of Connecticut 11
Hon. Hamilton Fish, Jr., a Representative in Congress from the State of New York 16

Friday, March 21, 1980:

Hon. Cyrus Vance, Secretary of State 46
Wednesday, March 26, 1980 (no witnesses) .....

MATERIAL SUBMITTED FOR THE RECORD

Text of House Resolution 598, a resolution to direct the President to furnish to the House of Representatives information and facts regarding the U.S. decision to vote for the resolution in the U.N. Security Council on March 1, 1980 2
Letter to Chairman Zablocki from Hon. J. Brian Atwood, Assistant Secretary for Congressional Relations, Department of State 4
Text of Security Council Resolution 465 84

APPENDIX

Letter to Chairman Zablocki from Hon. J. Brian Atwood, Assistant Secretary for Congressional Relations, Department of State, responding to request for comments on U.S. vote in the U.N. Security Council together with attached documentation 81

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RESOLUTION OF INQUIRY CONCERNING THE U.S. VOTE IN THE U.N. SECURITY COUNCIL ON ISRAELI SETTLEMENTS IN THE OCCUPIED TERRITORIES

WEDNESDAY, MARCH 12, 1980

House of Representatives,
Committee on Foreign Affairs,
Washington, D.C.

The committee met at 1:50 p.m. in room 2172, Rayburn House Office Building, Hon. Clement J. Zablocki (chairman) presiding.

Chairman Zablocki. The committee will please come to order.

We meet this afternoon to consider House Resolution 598, a resolution of inquiry directing the President to furnish to the House of Representatives certain information and facts regarding the U.S. decision to vote for the resolution in the United Nations Security Council on March 1, 1980, on Israeli settlements in the occupied territories.

A copy of the resolution of inquiry on the United Nations resolution is before each member.

[The resolution referred to follows:]

96TH CONGRESS
2D SESSION

H. RES. 598

To direct the President to furnish to the House of Representatives information and facts regarding the United States decision to vote for the resolution in the United Nations Security Council on March 1, 1980.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1980

Ms. HOLTZMAN (for herself, Mr. DODD, and Mr. FISH) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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RESOLUTION

To direct the President to furnish to the House of Representatives information and facts regarding the United States decision to vote for the resolution in the United Nations Security Council on March 1, 1980.

Resolved, That the President is directed to furnish to the House of Representatives the full and complete information and facts in his possession regarding the decision by the United States to vote for the resolution in the United Nations Security Council on March 1, 1980, including—

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(1) the representations made by or on behalf of Secretary of State Vance and/or Donald McHenry to the President about the resolution;

(2) the information or facts presented to the President with respect to the resolution to be voted on in the United Nations Security Council;

(3) when the President first was advised of the text or contents of the resolution adopted by the United Nations Security Council on March 1, 1980;

(4) all instructions given by the President with regard to the vote cast at the Security Council; and

(5) all recommendations made to the President before and subsequent to this vote;

and the President should make available for this purpose all notes, documents, memoranda, and other items in his possession and control containing the information requested in this resolution.

Chairman Zablocki. Following the consideration of the resolution of inquiry, the committee will resume markup of the draft foreign assistance legislation for fiscal year 1981.

House Resolution 598 was introduced March 5, 1980, and referred to the Committee on Foreign Affairs.

On March 6, 1980, the Chair wrote to the President requesting his comments on the resolution. Those comments have been received by the committee today in the form of a letter from Hon. J. Brian Atwood, Assistant Secretary for Congressional Relations, State Department.

Attached to the letter are several documents relating to the United Nations resolution and the U.S. position thereon. A copy of the letter is before each member and I believe each of the witnesses. Our colleagues who are testifying also have a copy of the letter.

Before we hear from the cosponsors of the resolution, the Chair would ask the chief of staff to read the contents of the letter for the record. The chief of staff will read the letter from the Assistant Secretary of State.

[The letter, which follows, was read into the record.]

ASSISTANT SECRETARY OF STATE,
Washington, D.C.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: I have been asked to reply to your letter of March 6 to the President, requesting the Administration's comments on H. Res. 598, regarding the decision of the United States to vote for U.N. Security Council Resolution 465. As you know, this resolution, adopted on March 1, 1980, deals with the question of Israeli settlements in territories occupied by Israel in 1967.

It is the Administration's intent to cooperate with the Committee in a manner consistent with the constitutional rights and responsibilities of the Legislative and Executive Branches. H. Res. 598 requests certain information which falls into the category of advice provided to the President and discussions between the President and his senior advisers during the decisionmaking process. Much of this advice and information was exchanged orally at the highest levels of government. All of it relates to the conduct of sensitive consultations in the conduct of our foreign relations, a field entitled to the highest category of Executive privilege.

While we cannot provide information of this type, we wish to be as responsive as possible to the concerns which underlie H. Res. 598. In this regard, Secretary Vance has asked me to convey his willingness to meet with you and other interested Members to discuss our policies with respect to the issues covered by the Security Council Resolution.

I am enclosing a set of documents which set forth the policies of the United States on the settlements questions, and which respond to the request contained in the preamble of H. Res. 598 for information and facts available to the Administration prior to the vote in the Security Council. These key documents include an early draft text of the U.N. Resolution; the revised text on which the final vote was cast; the exchange of letters on the question of Jerusalem between President Sadat, Prime Minister Begin, and President Carter on September 17, 1979; a State Department legal opinion on the settlements dated April 21, 1978; and several pertinent United Nations Security Council documents and U.S. statements.

As you know, President Carter issued a statement on March 4, 1980, making it clear that the vote of the United States in the Security Council "does not represent a change in our position regarding the Israeli settlements in the occupied areas or the status of Jerusalem." In addition, this statement said:

"While our opposition to the establishment of the Israeli settlements is longstanding and well known, we made strenuous efforts to eliminate the language with reference to the dismantling of settlements in the resolution. This call for dismantling was neither proper nor practical. We believe that the future disposition of existing settlements must be determined during the current autonomy negotiations.

"As to Jerusalem, we strongly believe that Jerusalem should be undivided with free access to the holy places for all faiths, and that its status should be determined in the negotiations for a comprehensive peace settlement.

"The U.S. vote in the U.N. was approved with the understanding that all references to Jerusalem would be deleted. The failure to communicate this clearly resulted in a vote in favor of the resolution rather than abstention.

"I want to reiterate in the most unequivocal of terms that in the autonomy negotiations and in other fora, the United States will neither support nor accept any position that might jeopardize Israel's vital security interests. Our commitment to Israel's security and well-being remains unqualified and unshakable."

This statement reflects the overriding importance the United States attaches to the success of the Camp David process and the autonomy negotiations now under way. These negotiations are now at a particularly delicate stage. Ambassador Linowitz has substantially accelerated the pace of these talks; the parties are now addressing the central issues. I know that you share our concern that a public debate on United States policies as to these issues could lead to a sharp reiteration of the policy differences which separate the parties and could magnify anxieties on both sides. This concern has been expressed to us by representatives of the parties themselves. It is our fervent desire that a public inquiry not divert us from our overriding objective, the search for peace in the Middle East.

For these reasons, the President has emphasized in his March 4 statement that our vote at the Security Council did not represent a change in existing U.S. policy—not on settlements, not on Jerusalem, not on our role in the peace process, and certainly not in our support for the security and welfare of the state of Israel. The Administration continues to be guided by the principles that led Israel and Egypt to peace under the Camp David accords. It is vital that we now turn our full and undivided attention to the autonomy negotiations. We feel strongly that this unfortunate episode should not be allowed to undermine these negotiations. The Camp David process offers the best available opportunity for Palestinians living in the West Bank or Gaza to achieve autonomy within the context of assured Israeli security. This is the first step toward a just, lasting and comprehensive peace settlement. The Administration does not believe that this process would be served by the adoption of House Resolution 598.

Please advise me if you and other interested Members wish to discuss these issues more fully. The Department wishes to cooperate with the Committee as it seeks to fulfill its responsibilities to the House of Representatives.

Sincerely,

J. Brian Atwood,
Assistant Secretary for
Congressional Relations.

Chairman **Zablocki**. The Chair welcomes, and I am sure all my colleagues on the committee join me in welcoming to the committee at this time, three of our distinguished colleagues who are cosponsors of the resolution, House Resolution 598, Hon. Elizabeth Holtzman, Hon. Christopher Dodd, and Hon. Hamilton Fish.

We will begin with Ms. Holtzman.

STATEMENT OF HON. ELIZABETH HOLTZMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. **Holtzman**. Thank you very much, Mr. Chairman and members of the committee. I appreciate the opportunity to appear before you to testify in support of House Resolution 598, the resolution I introduced directing the President to furnish the House of Representatives information and facts regarding the U.S. decision to vote for the resolution in the United Nations Security Council on March 1, 1980.

In my opinion, this vote was a shameful act—a troubling break with precedent—and the President's subsequent disavowal is perplexing, raising more questions than it answers. It was in order to get answers to these questions that I introduced the resolution of inquiry.

On March 1, 1980, the United States for the first time case a vote against Israel, one of its staunchest allies, its only stable ally in that part of the world. For the first time we sided with Israel's enemies, enemies who have sworn to destroy Israel since its creation. More than 48 hours after the vote, however, the President announced that the vote was a mistake, without specifying what the mistake was and who made it.

The U.S. vote was such a startling break with precedent on a matter of such importance that we need to investigate thoroughly why it was cast. If it represents a conscious shift in U.S. policy, we have the right, and the need, to know who made that decision, and why. We have the right to know whether this part of the administration's global effort to become a leader of the Moslem world.

We have seen how successful a policy of appeasement has been in the past.

If, on the other hand, the vote was a mistake of some sort, we have the right to know how that mistake was made and by whom, so that it is clear that it was a mistake, not a change in policy, and so that similar mistakes can be avoided in the future.

This is particularly important because the mistake involved a close ally of the United States. It raises questions about how such an important decision can be made without the most careful and deliberate thought.

We need to set the record straight not only for ourselves but also for other countries who depend on a consistent U.S. policy and have been disturbed by the sequence of events in the past several weeks. The vote could undermine the peace process, making Israel suspicious of the process and demonstrating to Arab countries that our support for Israel is limited.

Events subsequent to the vote have undermined our credibility in the international community. We must do our best to repair this damage. A critical first step is setting forth exactly what happened.

As much as we might like to accept the administration's assurance that the vote was merely a mistake, the explanation lacks credibility when the resolution is examined. There is no question that the resolution represents a radical departure from the prior U.S. position in the Middle East. That is clear from a simple reading of the resolution; and the administration apparently had a month in which to examine the resolution to get its significance straight.

Let's start with the treatment of Jerusalem in the resolution. There are seven references to Jerusalem which are not insignificant or irrelevant. The resolution, in effect, condemns the unification of Jerusalem and calls for Israel to remove Jews from East Jerusalem. The resolution also determines that East Jerusalem is Palestinian or Arab territory. The language of the resolution plainly and unequivocally contravenes established U.S. policy on Jerusalem.

But even putting aside the issue of the resolution's treatment of Jerusalem, the U.S. vote was an abrupt departure from prior votes and policies. In the past, the United States has abstained from all votes in the United Nations condemning Israeli settlements in the

West Bank and the Gaza Strip. But on March 1, it voted for a resolution that not only condemned new settlements but also called on Israel to dismantle all existing settlements and referred to the land in the West Bank as Palestinian and Arab.

The magnitude of this departure from past U.S. policy cannot be overestimated. Two times in the past year the United States has abstained from voting on resolutions that were less extreme, not calling such settlements illegal, for example. The United States explained its votes by saying that the issue of settlements would best be left to the negotiations between the parties set up by the Camp David accords.

The March 1 vote is totally inconsistent with this. Through its vote, the United States is undermining the entire Camp David negotiating framework that it worked so hard to achieve, and it is saying that the outcome of those negotiations has already been determined, Israel should totally dismantle its settlements and leave the West Bank and the Gaza Strip.

There is nothing left for the parties to negotiate. U.S. policy, while opposing the settlements, has never called for their removal, nor has the United States ever before called the West Bank and the Gaza Palestinian and Arab territories. Indeed, the Carter administration has explicitly favored minor border modifications, meaning that Israel could keep some of the land it acquired in the 6-day war.

In the resolution, the United States has also undermined another policy it has supported. The resolution finds that "all measures taken by Israel to change the physical character, demographic composition, institutional structure of status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem * * * has no legal validity." This means that changes agreed upon in the current Egyptian-Israeli negotiations on West Bank autonomy would be invalid.

There are also some other anomalies in this vote, including the fact that the resolution condemns Israel's water policy in the West Bank, despite a State Department report to the contrary.

Why and how was the decision made to support these aspects of the resolution and to make these major shifts in American policy?

The administration's postvote explanation is that there has been no policy shift. This position is not credible. Our vote was directly contrary to recent votes and U.S. explanations. The postvote statement that the dismantling was "neither practical nor proper" just confuses the situation.

According to press reports, the administration specifically considered this issue. Apparently, one reason Secretary of State Vance wanted the U.N. vote postponed was to doublecheck the U.S. approval of the call for dismantling existing settlements.

Reportedly, Ambassador McHenry's next instructions were to vote "yes" but express reservations about the practicality of dismantling.

What happened in between? With whom did Vance consult? Brzezinski? President Carter? What was he told? Did he accurately relay instructions to Ambassador McHenry? The requirement that McHenry express reservations plainly indicated that the decision-makers knew they were on new ground, that there might be a negative reaction to the U.S. position.

There are, similarly, many urgent questions surrounding the issue of the references to Jerusalem in the resolution. The Carter administration identifies this as the heart of the mistake, claiming that Carter approved of the "yes" vote with the understanding that all references to Jerusalem would be deleted. This explanation is troubling.

According to reports in the press, on Friday—the day the vote was originally scheduled—when the text of the resolution was set, Secretary of State Vance, who had a copy of the resolution, told Ambassador McHenry to postpone the vote while he checked his instructions. With whom did he check? President Carter? If so, did he neglect to tell the Department about the remaining references to Jerusalem? Why? Because he thought they were insignificant? If Secretary Vance did not tell the President or whomever he checked his instructions with because he didn't think it was important, he was informed otherwise the next morning.

Sitting down with Israeli Ambassador Evron 2 hours before the vote, Secretary Vance was told that Israel considered the remaining references to Jerusalem extremely objectionable and would protest any U.S. approval of the resolution. Having had it clarified that the substance of the resolution referring to Jerusalem was offensive to Israel and, therefore, clearly was a departure from prior U.S. positions that Israel had approved; what did Vance do? Did he advise the President to reconsider the decision? If he did not, why?

These and more fundamental questions are the sort that the resolution of inquiry was introduced to raise and address. The administration claims a mistake, but what was the mistake? Was there a mistake as to the contents of the resolution? Whose mistake was it? Who knew and who did not know what was in the resolution? Was it a mistake in relaying the instructions from whoever made the final decision to Ambassador McHenry? Who relayed the instructions? What precisely were the instructions to the Ambassador? If they were written, what was the text? Was it a mistake in the sense that it was clearly contrary to instructions? Who acted contrary to instructions? Or was the mistake that the administration had mistakenly judged the political consequences of that vote?

In its early statements on Monday about the vote, some administration officials reportedly were claiming credit for a courageous vote. It was only much later, in the evening, that President Carter said the vote was a mistake. What transpired in the interim? And why, if the vote was a mistake, has no formal action been taken by the United States in the Security Council to correct the vote that was taken?

If we are to set the record straight, restore the credibility of the United States, and keep the peace negotiations from being derailed, these and similar questions must be asked and answered.

I feel the administration's response to date has been inadequate and not credible.

I also regret the claim was made of executive privilege with regard to the information requested in the resolution of inquiry.

Having been down the road of executive privilege, in my experience in the Congress, I ought to say that I don't understand how it would apply, at least explicitly to the question in the resolution which asks when was the President first advised of the text or contents of the resolution adopted by the United Nations Security Council on March 1, 1980.

I don't understand why we have not been given a response to that question and to the others today.

Thank you, Mr. Chairman.

[Ms. Holtzman's prepared statement follows:]

PREPARED STATEMENT OF HON. ELIZABETH HOLTZMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, members of the Committee, thank you for this opportunity to appear before you to testify in support of H. Res. 598, a resolution of inquiry I have introduced directing the President to furnish to the House of Representatives information and facts regarding the United State's decision to vote for the resolution in the United Nations Security Council on March 1, 1980.

In my opinion, this vote was a shameful act—a troubling break with precedent—and the President's subsequent disavowal perplexing, raising more questions than it answered. It was in order to get answers to these questions that I introduced the resolution of inquiry.

On March 1, 1980, the United States for the first time cast a vote against Israel, one of its staunchest allies—its only stable ally in that part of the world. For the first time, we sided with Israel's enemies—enemies who have sworn to destroy Israel since its creation. More than 48 hours after the vote, however, the President announced that the vote was a "mistake", without specifying what the mistake was and who made it.

The U.S. vote was such a startling break with precedent on a matter of such importance that we need to investigate thoroughly why it was cast. If it was a conscious shift in U.S. policy, we have the right—and the need—to know who made that decision and why. We have the right to know whether this is part of the administration's global effort to become a leader of the Moslem world—an effort that has as its cornerstone the illusory notions of winning the support of the Ayatollah and persuading President Zia to accept U.S. aid. We have seen how successful this policy of appeasement has been.

If, on the other hand, the vote was a "mistake" of some sort, we have the right to know how that mistake was made and by whom, so that it is clear that it was a mistake, not a change in policy, and so that similar mistakes can be avoided in the future. This is particularly important because the mistake involved a close ally of the United States. It raises questions about how such an important decision can be made without the most careful and deliberate thought. The decision raises even more questions because the mistake "bought us nothing". It was an unsolicited gift to the Arabs.

We need to set the record straight not only for ourselves, but also for other countries who depend on a consistent U.S. policy and are disturbed by the sequence of events. The vote can undermine the peace process, making Israel suspicious of the process and demonstrating to Arab countries that our support for Israel is limited. Events subsequent to the vote have undermined our credibility in the international community. We must do our best to repair this damage. A critical first step is setting forth exactly what happened.

As much as we might like to accept the administration's assurances that the vote was merely a mistake, the explanation lacks credibility when the resolution is examined. There is no question that the resolution represents a radical departure from the prior U.S. position in the Middle East. That is clear from a simple reading of the resolution—and the Administration apparently had a month in which to examine the resolution to get its significance straight.

Let's start with the treatment of Jerusalem in the Resolution. There are 7 references to Jerusalem which are not insignificant or irrelevant. The Resolution in effect condemns the unification of Jerusalem and calls for Israel to remove Jews from East Jerusalem. The Resolution also determines that East Jerusalem is Palestinian or Arab territory. The language of the Resolution plainly, and unequivocably contravenes established U.S. policy on Jerusalem.

But even putting aside the issue of the Resolution's treatment of Jerusalem, the U.S. vote was an abrupt departure from prior votes and policies. In the past, the United States has abstained from all votes in the United Nations condemning Israeli settlements in the West Bank and the Gaza Strip. But on March 1, it voted for a Resolution that not only condemned new settlements, but also called on Israel to dismantle all existing settlements and, referred to the land in the West Bank as Palestinian and Arab.

The Magnitude of this departure from past United States policy cannot be overestimated. Two times in the past year the United States has abstained from voting on resolutions that were less extreme (not calling such settlements "illegal" for example). The United States explained its votes by saying that the issue of settlements would best be left to the negotiations between the parties set up by the Camp David Accords.

The March 1 vote is totally inconsistent with this. Through its vote the United States is undermining the entire Camp David negotiating framework that it worked so hard to achieve. And it is saying that the outcome of those negotiations has already been determined: Israel should totally dismantle its settlements and leave the West Bank and the Gaza Strip. There is nothing left for the parties to negotiate. U.S. policy, while opposing the settlements, has never called for their removal; nor has the U.S. ever before called the West Bank and Gaza "Palestinian and Arab territories". Indeed, the Carter Administration has explicitly favored minor border modifications meaning that Israel could keep some of the land it acquired in the Six-Day War.

In the Resolution, the United States has also undermined another policy it has supported. The Resolution finds that "all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem . . . has no legal validity." This means that changes agreed upon in the current Egyptian-Israeli negotiations pro West Bank autonomy would be invalid.

There are also some other anomolies in this vote, including the fact that the resolution condemns Israel's water policy in the West Bank despite a State Department report to the contrary.

Why and how was the decision made to support these aspects of the resolution and to make these major shifts in American Policy? The Administration's post-vote explanation is that there has been no policy shift. This position is not credible. Our vote was directly contrary to recent votes and U.S. explanations. The Post-vote statement that the dismantling was "neither practical nor proper" just confuses the situation. According to press reports, the administration specifically considered this issue. Apparently one reason Secretary of State Vance wanted the U.N. vote postponed was to double check about the U.S. approval of the call for dismantling existing settlements. Reportedly, Ambassador McHenry's next instructions were to vote "yes" but express reservations about the practicality of dismantling. What happened in between? With whom did Vance consult? Brzezinski? President Carter? What was he told? Did he accurately relay instructions to McHenry? The requirement that McHenry express reservations plainly indicated that the decision-makers knew they were on new ground, that there might be a negative reaction to the U.S. position. We were hedging.

There are similarly many urgent questions surrounding the issue of the references to Jerusalem in the resolution. The Carter administration identifies this as the heart of the "mistake", claiming that Carter approved of the "yes" vote with the understanding that all references to Jerusalem would be deleted.

This explanation is troubling. According to reports in the press, on Friday (the day the vote was originally scheduled), when the text of the resolution was set, Secretary of State Vance, who had a copy of the resolution, told Ambassador McHenry to postpone the vote while he checked his instructions. Whom did he check with? President Carter? If so, did he neglect to tell the Department about the remaining references to Jerusalem? Why? Because he thought they were insignificant? If Secretary Vance did not tell the President, or whomever he checked his instructions with because he didn't think it was important, he was informed otherwise the next morning.

Sitting down with Israeli Ambassador Evron two hours before the vote, he was told that Israel considered the remaining references to Jerusalem extremely objectionable and would protest any U.S. approval of the resolution. Having had it clarified that the substance of the resolution referring to Jerusalem was offensive to Israel—and, therefore clearly a departure from prior U.S. Positions that Israel had approved—What did Vance do, Did he advise the President to reconsider the decision? If he did not, why?

These and more fundamental questions are the sort that the resolution of inquiry was introduced to raise and address. The Administration claims mistake, but what was the mistake? Was the mistake as to the contents of the resolution? Whose mistake was it? Who know and who did not know what was in the resolution? Was it a mistake in relaying the instructions from whomever made the final decision to Ambassador McHenry? Who relayed the instructions? What precisely were the instructions to the Ambassador? If they were written, what was the text? Was it a mistake in the sense that it was clearly contrary to instructions? Who acted contrary to instructions?

Or was the mistake that the Administration had mistakenly judged the political consequences of that vote? In its early statements about the vote on Monday, some Administration officials reportedly were claiming credit for a courageous vote. It was only much later, in the evening, that President Carter said the vote was a mistake. What transpired in the interim? And why, if the vote was a mistake, has no formal action been taken in the Security Council to amend it?

Chairman ZABLOCKI. Thank you, Ms. Holtzman.

We will next hear from Hon. Christopher J. Dodd.

STATEMENT OF HON. CHRISTOPHER J. DODD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. DODD. Thank you, Mr. Chairman. I appreciate the opportunity to appear before you this afternoon.

Mr. Chairman, much of what I have to say in my testimony has been said by Mr. Holtzman. I would, however, like to give my testimony to reiterate some of the points she made if I may and I ask that my statement be included as a part of the record.

The CHAIRMAN. Without objection.

Mr. DODD. First I think it is important to note that neither I nor Mr. Fish nor Ms. Holtzman have any desire whatsoever to embarrass the administration. We realize fully the delicate nature of the negotiations that are proceeding in the Middle East and it is not our purpose today nor was it a week ago when we introduced this resolution to in any way complicate the role of the administration in dealing with this extremely important matter.

It does occur to us and I think to others as well, however, that the vote on March 1 was of such a serious nature, and then the statements made thereafter have both complicated the role of the administration dramatically. Our role is to try to help resolve that particular situation rather than add more confusion to the present problem.

That is why we are here today.

Certainly the House of Representatives, the American public, and particularly this committee have a responsibility I believe to ascertain the facts concerning our unprecedented vote in the United Nations. As this committee is well aware, a number of very important questions remain unanswered. In fact, the basic question concerning this whole affair remains unresolved. Does the U.S. vote in favor of U.N. Security Council Resolution 465 constitute a fundamental change in policy regardless of our later disavowal?

In my mind that fundamental question remains unanswered because the administration's only belated objection to the U.N resolution lies in its seven references to Jerusalem. I believe that other portions of the resolution need to be carefully examined as well to see whether a policy shift toward Israel has in fact taken place.

The fact that it took the administration more than 2 full days to discover its mistake in voting for the resolution does not give me a great deal of confidence that no change in policy was decided on. The only way for the American people and Congress to know whether there was a significant shift in U.S. policy is for the administration to provide us with the documentation concerning the decision on the U.N. vote.

And that is precisely what our resolution of inquiry asks the President to provide to the House of Representatives. Considering that recent press reports indicate that the President's advisers disagreed on whether to vote for the resolution, I believe that this might suggest that there was a change of policy.

Personally, I believe that the U.S. vote in the Security Council marked a radical shift in our stance toward Israeli settlements. Earlier, we had abstained from voting on similar resolutions because we deemed it important not to prejudge the future status of the West Bank, the Gaza Strip, or, especially, Jerusalem.

The status of these areas was to be properly decided in the course of negotiations between Israel and her neighbors. It is not only the references to Jerusalem, but also the resolution's references to these areas as "Palestinian and other Arab territories" which prejudges the eventual outcome of the negotiations on the ultimate sovereignty of the areas in dispute. Accepting language calling these areas "Palestinian and other Arab territories" goes beyond our previous positions, I believe, especially in light of the sensitivity of the autonomy talks now being discussed.

Mr. Chairman, you have before you a copy of a text of the resolution itself and since I am going to make reference to particular paragraphs in the resolution I would ask to draw the committee's attention to those paragraphs as I go through this part of my testimony.

[The resolution referred to follows:]

U.N. Security Council,
New York, N.Y., March 1, 1980.

Resolution 465 (1980)

ADOPTED BY THE SECURITY COUNCIL AT ITS 2203D MEETING ON MARCH 1, 1980

The Security Council,

Taking note of the reports of the Commission of the Security Council established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in documents S/13450 and Corr. 1 and S/13679,

Taking note also of letters from the Permanent Representative of Jordan (S/13801) and the Permanent Representative of Morocco, Chairman of the Islamic Group (S/13802),

Strongly deploring the refusal by Israel to co-operate with the Commission and regretting its formal rejection of resolutions 446 (1979) and 452 (1979),

Affirming once more that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

Deploring the decision of the Government of Israel to officially support Israeli settlement in the Palestinian and other Arab territories occupied since 1967,

Deeply concerned over the practices of the Israeli authorities in implementing that settlement policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab and Palestinian population,

Taking into account the need to consider measures for the impartial protection of private and public land and property, and water resources, Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city,

Drawing attention to the grave consequences which the settlement policy is bound to have on any attempt to reach a comprehensive, just and lasting peace in the Middle East,

Recalling pertinent Security Council resolutions, specifically resolutions 237 (1967) of June 14, 1967, 252 (1968) of May 21, 1968, 267 (1969) of July 3, 1969, 271 (1969) of September 15, 1969 and 298 (1971) of September 25, 1971, as well as the consensus statement made by the President of the Security Council on November 11, 1976,

Having invited Mr. Fehd Qawasmeh, Mayor of Al-Khalil (Hebron), in the occupied territory, to supply it with information pursuant to rule 39 of the provisional rules of procedure,

1. Commends the work done by the Commission in preparing the report contained in document S/13679;

2. Accepts the conclusion and recommendations contained in the abovementioned report of the Commission;

3. Calls upon all parties, particularly the Government of Israel, to co-operate with the Commission;

4. Strongly deplores the decision of Israel to prohibit the free travel of Mayor Fahd Qawasmeh in order to appear before the Security Council, and requests Israel to permit his free travel to the United Nations Headquarters for that purpose;

5. Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and and lasting peace in the Middle East;

6. Strongly deplores the continuation and persistence of Israel in pursuing those policies and practices and calls upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;

7. Calls upon all States not to provide Israel with an assistance to be used specifically in connection with settlements in the occupied territories;

8. Requests the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution;

9. Requests the Commission to report to the Security Council before September 1, 1980, and decides to convene at the earliest possible date thereafter in order to consider the report and the full implementation of the present resolution.

Mr. DODD. In addition, paragraphs 1 and 2 of the U.N. resolution commend and accept the results of the Special U.N. Security Council Commission charged with examining the question of Israeli settlements in the West Bank, Gaza, and in Jerusalem. On March 1, 1980, we commended the Commission and accepted its findings, but on March 22, 1979, we abstained on the Security Council resolution establishing this Commission saying we had grave doubts about the utility of the Commission, and saying that its establishment would interject an unnecessary irritant into the ongoing peace process.

It appears that our position has changed on that point as well. Paragraph 5 of the U.N. resolution determines that all measures taken by Israel changing "the physical character, demographic composition, institutional structure, or status" of the West Bank, Gaza, or Jerusalem have no legal validity. The danger of paragraph 5 is that by declaring all Israeli actions illegal, it may make ongoing negotiations impossible and destroy some of the progress made at Camp David. The U.N. resolution clearly places Israel in an inflexible position on the autonomy talks which we struggled to see started.

Perhaps the most significant departure from past U.S. policy toward Israeli settlements was contained in paragraph 6 of the resolution strongly deploring the settlements and calling for them to be dismantled. While the official U.S. position has been that most of the settlements are illegal, this is the first time we have joined in demanding that they be dismantled in a Security Council resolution. This unprecedented U.S. position again prejudges the future outcome of the autonomy talks. Ambassador McHenry's statement after the vote that dismantling all the settlements might be impractical hardly mitigates the damage done by the vote itself. In fact, the only change we were able to get in this Arab-sponsored resolution was the deletion of a paragraph which falsely implied that the Israeli Government does not permit the exercise of religious freedom in Jerusalem. That is not much of a victory for American diplomacy.

Mr. Chairman, I have mentioned a few areas where I believe that the administration has adopted a new policy position regarding Israeli settlements aside from the seven references to Jerusalem which the President maintains he wanted to see deleted. My point is that even if one completely accepts the administration's explanation that there was a lack of communication, this committee still has a responsibility to look into changes in U.S. policy toward Israel. I believe that our resolution of inquiry, if fully complied with, will allow this committee and Congress to learn the full truth concerning our stance on Israeli settlements. I do not deny the administration's right to make changes in our international positions, but if our policy has changed, then Congress and the American people have a right to know. If there is no change in our position, except for the disavowed references to Jerusalem, then I would think that the administration would be eager to provide this committee with the necessary proof.

Personally, I would also be interested to know whether the administration plans to place itself more firmly on the record in correcting the March 1 vote in the United Nations. I might suggest that if the administration is serious about disavowing that unfortunate vote, perhaps the President might want to write to the President of the U.N. Security Council and officially place into the U.N. record a detailed disavowal of our vote.

I am deeply disappointed that the administration saw fit not to appear before the committee this afternoon but I understand why. The Secretary is in New York.

I certainly want to give him an opportunity to appear before the committee in executive session or otherwise to explain what occurred. That is my purpose in being here. Again I want to emphasize I have no desire whatsoever to complicate, to confuse, to sidetrack, to undermine at all the peace process that is going on in the Middle East. However, I feel very strongly if we don't resolve this particular problem we not only complicate our relationship with Israel but as well with our allies in the Arab world and I would urge this committee to take proper action on this resolution and I thank you for the opportunity to testify.

[Mr. Dodd's prepared statement follows:]

Prepared Statement of Hon. Christopher J. Dodd, a Representative in Congress From the State of Connecticut

Mr. Chairman, members of the committee, one week ago today my colleagues from New York, Ms. Holtzman and Mr. Fish, and I introduced a resolution of inquiry concerning the vote in the U.N. Security Council on the Israeli settlements. We introduced House Resolution 598 for one fundamental reason: in order to clear up the confusion resulting from our vote in the Security Council and the administration's subsequent disavowal of that vote. Mr. Chairman, I want to emphasize that I have no desire to further embarrass the administration over this affair; but I do want to learn the truth about why this country voted the way it did at the U.N.

I believe that the House of Representatives, and this committee in particular, have a clear responsibility to ascertain the facts concerning our unprecedented vote in the U.N. As this committee is well aware, a number of very important questions remain unanswered. In fact, the basic question concerning this whole affair remains unresolved: Does the U.S. vote in favor of U.N. Security Council Resolution 465 constitute a fundamental change in policy regardless of our later disavowal?

In my mind that fundamental question remains unanswered because the administration's only belated objection to the U.N. resolution lies in its seven references to Jerusalem. I believe that other portions of the resolution need to be carefully examined as well to see whether a policy shift towards Israel has in fact taken place.

The fact that it took the administration more than two full days to "discover" its mistake in voting for the resolution does not give me a great deal of confidence that no change in policy was decided on. The only way for the American people and Congress to know whether there was a significant shift in U.S. policy is for the administration to provide us with the documentation concerning the decision on the U.N. vote. And that is precisely what our resolution of inquiry asks the President to provide to the House of Representatives. Considering that recent press reports indicate that the President's advisory disagreed on whether to vote for the resolution, I believe that this might suggest that there was a change of policy.

Personally, I believe that the U.S. vote in the Security Council marked a radical shift in our stance towards Israeli settlements. Earlier, we had abstained from voting on similar resolutions because we deemed it important not to pre-judge the future status of the West Bank, the Gaza Strip, or especially Jerusalem. The status of these areas was to be properly decided in the course of negotiations between Israel and her neighbors. It is not only the references to Jerusalem, but also the resolution's references to these areas as "Palestinian and other Arab territories" which pre-judges the eventual outcome of the negotiations on the ultimate sovereignty of the areas in dispute. Accepting language calling these areas "Palestinian and other Arab territories" goes beyond our previous positions, I believe, especially in light of the sensitivity of the autonomy talks now being discussed.

In addition, paragraphs 1 and 2 of the U.N. resolution commend and accept the results of the special U.N. Security Council Commission charged with examining the question of Israeli settlements in the West Bank, Gaza, and in Jerusalem. On March 1, 1980, we commended the Commission and accepted its findings, but on March 22, 1979, we abstained on the Security Council Resolution establishing this Commission saying we had "grave doubts" about the utility of the Commission, and saying that its establishment would interject an unnecessary irritant into the on-going peace process. It appears that our position has changed on that point as well.

Paragraph 5 of the U.N. resolutions determines that all measures taken by Israel changing the "physical character, demographic composition, institutional structure, or status" of the West Bank, Gaza, or Jerusalem have "No legal validity." The danger of paragraph 5 is that by declaring all Israeli actions illegal, it may make on-going negotiations impossible and destroy some of the progress made at Camp David. The U.N. resolution clearly places Israel in an inflexible position on the autonomy talks which we struggled to see started.

Perhaps the most significant departure from past U.S. policy towards Israeli settlements was contained in paragraph six of the resolution "strongly deploring" the settlements and calling for them to be dismantled. While the official U.S. position has been that most of the settlements are illegal, this is the first time we have joined in demanding that they be dismantled in a Security Council resolution. This unprecedented U.S. position again pre-judges the future outcome of the autonomy talks. Ambassador McHenry's statement *after* the vote that dismantling all the settlements might be impractical hardly mitigates the damage done by the vote itself. In fact, the only change we were able to get in this Arab-sponsored resolution was the deletion of a paragraph which falsely implied that the Israeli Government does not permit the exercise of religious freedom in Jerusalem. That is not much of a victory for American diplomacy.

Mr. Chairman, I have mentioned a few areas where I believe that the administration has adopted a new policy position regarding Israeli settlements aside from the seven references to Jerusalem which the president maintains he wanted to see deleted. My point is that even if one completely accepts the administration's explanation that there was a lack of communication, this committee still has a responsibility to look into changes in U.S. policy towards Israel. I believe that our resolution of inquiry, if fully complied with, will allow this committee and Congress to learn the full truth concerning our stance on Israeli settlements. I do not deny the administration's right to make changes in our international positions, but if our policy has changed, then Congress and the American people have a right to know. If there is no change in our position, except for the disavowed references to Jerusalem, then I would think that the administration would be eager to provide this committee with the necessary proof.

Personally, I would also be interested to know whether the administration plans to place itself more firmly on the record in correcting the March 1st vote in the U.N. I might suggest that if the administration is serious about disavowing that unfortunate vote, perhaps the President might want to write to the President of the U.N. Security Council and officially place into the U.N. record a detailed disavowal of our vote.

I am deeply disappointed that the administration saw fit not to appear before the committee this afternoon. Perhaps if representatives from the administration were here, we might discover what actually led to our U.N. vote and we might learn what the administration plans to do to correct its vote. Considering that there is no one here to answer our questions, I would suggest that the committee vote to pass House Resolution 598, and learn the truth in this affair.

The **CHAIRMAN**. Thank you, Mr. Dodd.

We will next hear from Hon. Hamilton Fish.

STATEMENT OF HON. HAMILTON FISH, JR. A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. **FISH**. Thank you, Mr. Chairman and members of the committee. I too would ask to have the full text of my remarks inserted in the record and I will try to be brief because obviously much of this has been so ably said by my colleagues.

Mr. Chairman, a continuing longstanding support of Israel and a recognition of its importance to the strategic and security interests of our own country in that troubled region of the world has been a constant in our foreign policy. For the first time since I have been a Member of Congress, however, we face the possiblility of radical change in our Middle East policy.

Israel has remained a stable, reliable ally. Events of the past year clearly demonstrate how vital it is to U.S. interests that we support Israel as a buffer to Soviet expansion in that region.

The U.S. vote in favor of an Arab-sponsored resolution in the United Nations Security Council on March 1, calling on Israel to dismantle all of its settlements in the West Bank and the old city of Jerusalem was a terrible mistake. This vote in my judgment undermines the current bilateral negotiations between Israel and Egypt on the autonomy of the West Bank and Gaza, and will strengthen the extremist Arab States, who have refused to enter into the peace process.

President Carter claims the vote was an error. It is my contention that on a matter of such high priority with policy and national security implications, the President should have left no doubt as to what the vote should have been. If the President wanted the references to Jerusalem removed from the resolution, Mr. Carter should have been aware of the specific language prior to the vote, not 2 days later when the damage was done. Support of the resolution leaves serious doubts as to what U.S. policy is toward Israel.

For over 1 month, Carter administration officials had the text of the latest U.N. resolution for their review. As all of you must know, decisions of this magnitude are not made in a spurious manner. According to press accounts, the final draft of the resolution was presented to Secretary Vance, who sat down with President Carter to discuss the vote. Mr. Carter apparently told Secretary Vance to have the references to Jerusalem deleted prior to voting in favor of the resolution.

However, it is obvious that this was not done. What was overlooked was the fact that the resolution referred to Jerusalem seven times, six times linking the city with the West Bank, Gaza, and the Golan Heights as part of the occupied territories. For example, paragraph 6 of the resolution called upon the Government of Israel to "dismantle all existing settlements and in particular to cease, the establishment * * * of settlements in the Arab territories occupied since 1967, including Jerusalem." It is a complete surprise and a shock to me that any U.S. leader would designate Jerusalem as occupied Arab territory. This paragraph of the resolution does not even allow for the Israelis presently in Jerusalem to remain.

Thirty thousand Jews have, therefore, been officially informed by the United States that they must leave their most cherished place of worship, which they recovered in self-defense and in which they welcome persons of every faith.

Jerusalem has always been the historical and cultural center of the Jewish faith. It was the city of King David and King Solomon. Its origins are Jewish, and for this Government to take the position that this is not so, is totally unacceptable to me.

In two other portions of the resolution, there is a reference to "the Palestinian and other Arab territories." It must be news to members of this committee that the United States has suddenly recognized a Palestinian entity and territory. On the contrary, it has been clearly understood that recognition was a key issue to be determined in accordance with the Camp David accords.

Mr. Chairman, the Congress cannot afford to let any administration compromise our staunchest ally in a critical region of the world. We should not permit the world to doubt our ability to conduct our foreign affairs in a professional and responsible manner.

In several countries, notably Denmark, Sweden, Hungary, and Switzerland, the Parliament is at least consulted on matters of importance prior to any decision. Can you imagine the full dress debate that such a development would have in such parliamentry nations as Canada and Great Britain.

It is the province of this committee and of the Congress to investigate to the fullest extent possible the reasons for the president's failure, if any, to communicate his intent effectively to our United Nations Ambassador. We owe it to ourselves and to the American people to learn precisely what is our policy toward Israel.

Thank you very much, Mr. Chairman.

[Mr. Fish's prepared statement follows:]

Prepared Statement of Hon. Hamilton Fish, Jr., a Representative in Congress From the State of New York

Mr. Chairman, I speak to you today with the perspective on one who has been close to events in Israel and to United States policy towards that country for many years. A continuing long-standing support of Israel and a recognition of its importance to the strategic and security interests of our own country in that troubled region of the world has been a constant in our foreign policy. For the first time since I have been a Member of Congress, however, we face the possibility of radical change in our Middle East policy.

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President Carter claims the vote was an error. It is my contention that on a matter of such high priority with policy and national security implications, the President should have left no doubt as to what the vote should have been. If the President wanted the references to Jerusalem removed from the resolution, Mr. Carter should have been aware of the specific language prior to the vote, not two days later when the damage was done. Support of the resolution leaves serious doubts as to what United States policy is towards Israel. This situation is extremely unfortunate. The administration's admission to the error did not, in my estimation, correct the problem, but compounded it. With the recent setbacks in our foreign policy, I find it unthinkable that such a leisurely approach was taken on such a crucial matter. The Washington Post's printing of two different headlines last Tuesday, one stating the vote was cleared at the top and the other stating Carter admitted his error, illustrates the confusion over the issue.

For over one month, Carter administration officials had the text of the latest U.N. resolution for their review. As all of you must know, decisions of this magnitude are not made in a spurious manner. According to press accounts, the final draft of the resolution was presented to Secretary Vance, who sat down with President Carter to discuss the vote. Mr. Carter apparently told Secretary Vance to have the references to Jerusalem deleted prior to voting in favor of the resolution.

However, it is obvious that this was not done. What was overlooked was the fact that the resolution referred to Jerusalem seven times, six times linking the city with the West Bank, Gaza, and the Golan Heights as part of the occupied territories. For example, paragraph six of the resolution called upon the government of Israel to "dismantle all existing settlements and in particular to cease, the establishment . . . of settlements in the Arab territories occupied since 1967, including Jerusalem." It is a complete surprise and a shock to me that any United States leader would designate Jerusalem as occupied Arab territory. This paragraph of the resolution does not even allow for the Israelis presently in Jerusalem to remain. Thirty thousand Jews have therefore been officially informed by the United States that they must leave their most cherished place of worship, which they recovered in self-defense and in which they welcome persons of every faith.

Jerusalem has always been the historical and cultural center of the Jewish faith. It was the city of King David and King Solomon. Its origins are Jewish, and for this Government to take the position that this is not so, is totally unacceptable to me.

For nearly twenty years, those of the Jewish faith were denied access to the old city and the holiest site in the Jewish religion. From 1948 to 1967, when the old city was under the illegal control of Jordan, it became a city divided by barbed wire and fences. It is strange that under those conditions there was not an outpouring of sentiment against the Jordanian occupation of the city.

Today, both Jew and non-Jew can visit and pray together. The implements of war have been removed and the barb-wire and fences torn down. I find it intolerable that this Government would support any moves to return the city to the status prior to 1967.

In two other portions of the resolution, there is a reference to "the Palestinian and other Arab territories". It must be news to Members of this Committee that the United States has suddenly recognized a Palestinian entity and territory. On the contrary, it has been clearly understood that recognition was a key issue to be determined in accordance with the Camp David accords.

In addition, the resolution states that all physical, demographic and institutional changes Israel has made in those "Palestinian and other" lands violate "the Fourth Geneva Convention relative to the Protection of Citizens in Time of War." The Convention was adopted in 1949 as a response to crimes committed during the Nazi occupation of Europe. The language suggests that the Israeli presence in the West Bank is comparable to the Nazi conquest of Europe by aggression. It further insinuates that during Israel's administration of the West Bank, atrocities have been committed on the level of the Nazis. This is a condemnation of Israel that is totally unacceptable and should have been cause in itself to reject the entire resolution.

It is my understanding that the President may not have reviewed the resolution prior to the final vote, and that he was not aware of the text until Monday. Last week, I described the President's actions as a "blunder of the greatest magnitude".

I am further amazed and astonished at the attempts to explain the vote. We have drawn the wrath and earned the distrust of Israel. We have undermined the painstaking and carefully worded Camp David accords.

The Congress cannot afford to let any administration compromise our staunchest ally in a critical region of the world. We should not permit the world to doubt our ability to conduct our foreign affairs in a professional and responsible manner.

In several countries, notably Denmark, Sweden, Hungary, and Switzerland, the parliament is at least consulted on matters of importance prior to any decision. In Great Britain or Canada, a similar development would evoke a full dress debate in their Parliaments. With the present level of tension in the Middle East, it would clearly behoove the President to consult Congress in advance of making a radical change in policy.

We in the Congress do have certain powers to affect the outcome of decisions of the President in such matters. With one hundred and twenty Congressmen and sixty-eight Senators on Committees that control defense appropriations, armed forces, government operations, and foreign commerce, we can and we should exert a strong influence on the executive decisionmaking process. Often, as in the instant case, this is an ex post facto exercise, but it is a duty which we cannot and will not shirk.

It is the province of this Committee and of the Congress to investigate to the fullest extent possible the reasons for the President's failure, if any, to communicate his intent effectively to our United Nations Ambassador. We owe it to ourselves and to the American people to learn precisely what is our policy toward Israel.

FINAL ACTION ON RESOLUTION POSTPONED

Ms. **Holtzman**. If I might make one brief comment. The three cosponsors of the resolution were not presented with a copy of the administration's response until approximately 12:30 this afternoon. I think we would be perfectly willing to defer our rights to call up this resolution on the floor to allow your distinguished committee to hear from the Secretary of State or any other witnesses that the administration cares to present in order to get the facts with regard to the resolution of inquiry.

Chairman **Zablocki**. The Chair appreciates the gentlewoman's statement. Your willingness to defer floor consideration is most helpful in view of the fact that the committee itself did not receive the letter until shortly past noon. The Chair believes that this is a very sensitive matter. I would also have to comment that the U.S. action and the subsequent disavowal of it precipitated an extremely unfortunate incident in terms of United States-Israeli relations and the U.S. prestige in the Middle East.

If magnified, if we took the vote on your resolution of inquiry at the present time, favorably or whatever way we would act upon it, it could be taken out of perspective further and could seriously affect the autonomy negotiations, and the Camp David peace process.

The Camp David peace process is not in question at the moment, but what I would call into question is the benefit to be derived from dissecting this recent incident and having it aired at this time. To my mind this would only serve to exacerbate the tensions and misunderstandings already generated by the vote. In no way could it undo the damage done.

I am sure my colleagues would agree the primary task before us at this time is to demonstrate our continued and unwavering support for Israel. I believe the best way to convey this message, the best way to translate these words into action, is through passage of the foreign assistance programs which are scheduled for action as the committee proceeds in the markup of a draft foreign assistance legislation for fiscal year 1981. I would, therefore, urge we turn our energy in this direction in order to accomplish this task as expeditiously as possible. I believe this will better serve to affirm our support for Israel and the Camp David peace process, the best hope for peace in the Middle East.

In view of the voluminous documents that are related to the vote of March 1, and the letter of explanation that has been read by the chief of staff and provided by the Secretary of State through the Assistant Secretary for Congressional Relations, the adoption of House Resolution 598 would serve no useful purpose.

Therefore, I am very pleased that the principal sponsor and cosponsors are agreeable to withholding any action until we hear from the Secretary of State or a representative of the Department of State to discuss the U.S. action and its implications more fully. Indeed Assistant Secretary Atwood's last paragraph states "The Department wishes to cooperate with the committee as it seeks to fulfill its responsibilities to the House of Representatives" and we will seek to have an executive session with the Secretary of State or a representative of the State Department to give their further views on the situation as it developed in the United Nations.

This incident has been most unfortunate. However, if we took action now I think it would only precipitate more difficult problems that I am sure we all wish to avoid. The principal sponsor involved would prefer that this should not be acted upon immediately and, therefore, again I must say I deeply appreciate the gentlelady's and cosponsors' understanding that we postpone action for a few days.

Ms. HOLTZMAN. So the record is prefectly clear on this point, I don't think we have agreed to postpone this indefinitely. What we have agreed to is to postpone the calling up in the next few days to permit the Secretary of State or representative of the State Department to appear. Furthermore, I, myself, would like to say for the record I don't necessarily agree with the chairman's description of why it would be undesirable to call up his resolution at this time. I think the best thing that could happen with regard to U.S. policy and its relationship with states in the Middle East is to make sure its policy is clearly understood. I don't think we know that. I think that is the purpose of the resolution of inquiry, so we agree to a postponement for further purposes of permitting this committee as prompt a period of time as feasible to obtain the information that resolution calls for.

Mr. DODD. I would agree with that, Mr. Chairman. I feel that there is no purpose in acting today. I think in light of the fact the Secretary can't be here and the fact we only had this response for an hour or so I am sure the committee would want an opportunity to hear the Secretary or his representative to go through this. That is what we are looking for. It is not the passage of a resolution. It is trying to get to the bottom of what occurred and I just add that the danger may be that we have tried to avoid this somehow and pretend that it did not happen. I can appreciate the willingness and the desire to want to put it behind us.

The fact is it did. There is no question in my mind some of the things that are going on at this very hour in the Middle East directly relate to what happened here. I think the quicker we deal with this the better off we will be, but I agree the question of deferring for several days to give the Secretary or his representatives an opportunity to come before the committee and explain this is perfectly satisfactory to me.

AVAILABILITY OF EXECUTIVE BRANCH DOCUMENTS

Chairman ZABLOCKI. The Chair will recognize the members in the regular order as we normally do on a matter of this sort. The Chair would say that in resolutions of inquiry, in the past when this committee has been asked to take action, the judgment it would have to make is whether the Department in question—in this case the State Department has responded, to the extent they can, to the request for information in the resolution of inquiry.

Now, the letter from the Secretary of State is intended to do so. Of course, the gentlelady from New York says that it is not enough. As far as the issue of invoking executive privilege, which was something the gentlelady took issue with, in all my years here the Congress never received in-house, so-called exchanges or memos which are exchanged between executive agencies of Government or the National Security Council.

The Chair basically feels that the letter from the Secretary of State plus the documents, the key documents made available to the committee, to a great extent satisfies the request of the resolution. However, in view of the fact that some of my colleagues don't agree and indeed the sponsors of the resolution don't agree, the Chair would hope that we could have further hearings in executive session with the Department of State to go further into whatever issues remain to be resolved, but I must caution I don't think we can expect that the executive branch will provide in-house memos that are exchanged between agencies which would fall in the realm of executive privilege. Again I say the Chair really appreciates the cooperativeness of the three cosponsors and their willingness not to have action today on House Resolution 598.

Mr. DERWINSKI. Mr. Chairman, point of order.

Mr. GUYER. With regard to the procedure will we be setting a time limitation for the administration to appear before the committee, and will we be receiving copies of the documents that were delivered to the chairman?

Chairman ZABLOCKI. Yes; documents will have to be reproduced by the committee because the State Department could not supply enough copies to us today. So we have a copy and it is my understanding that staff had made a copy of the documents so that they are available to the three cosponsors. The gentleman from New York has asked the Chair whether there will be a deadline or a date set when the executive branch will respond. That has not even been requested by the cosponsors but we do want a date as soon as possible. The Chair will try to persuade the executive branch to respond to the request at the earliest possible date.

Mr. **Guyer**. Thank you, Mr. Chairman.

Mr. **Findley**. Mr. Chairman, I assume from the comments that you made that the executive branch may, under executive privilege, withhold certain documents in its response to a resolution of inquiry. That has been the practice in the past. Those documents could fall under executive privilege and we would never receive them. No administration in the past has responded to such a request.

Well, Mr. Chairman, I have had experience with resolutions of inquiry but it is my understanding that documents furnished under them can be highly classified but that the executive branch cannot unilaterally decide to withhold documents under executive privilege.

Chairman **Zablocki**. The Chair must respectfully disagree with the gentleman because in the past we did not receive documents from any President that he deemed were within the realm of executive privilege.

Mr. **Wolff**. Mr. Chairman, in the nature of a parliamentary inquiry: On the documents that we are to receive, will that include the cable traffic between the State Department and the mission at the United Nations?

Chairman **Zablocki**. The Chair's understanding is that much of the communication on this particular decision has been oral with no notes taken.

STATE DEPARTMENT COMMUNICATION WITH U.S. MISSION AT THE U.N.

Mr. **Wolff**. Mr. Chairman, a further parliamentary inquiry. I just add to that as my colleague, Mr. Rosenthal, and you have served at the United Nations you know that there is very little in the way of communications back and forth. Mr. Winn who also just served there knows many of the communications back and forth are verbal communications. In fact, one of the problems at the United Nations is they have too much cable traffic back and forth, you cannot make a determination as to what is substantive or not substantive. It seems inconceivable to me that any decision like this could have been made without an affirmation in writing on a decision as momentous as a vote at the United Nations.

AMBASSADOR M'HENRY AS POTENTIAL WITNESS

Mr. **Broomfield**. Mr. Chairman.

Chairman **Zablocki**. The gentleman from Michigan.

Mr. **Broomfield**. I would like to ask a question, Mr. Chairman. Is it your intention also to have Ambassador McHenry here? One

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worries about all of these communications and whether we will get them or not? We might just ask Mr. McHenry to appear before the committee?

Chairman **Zablocki**. Well, is it Ambassador yet?

Mr. **Dodd**. I think the gentleman's point is excellent. I think we need both parties involved.

QUESTION OF U.S. POLICY CHANGE TOWARD MIDDLE EAST

Mr. **Broomfield**. The whole question here is: Has our policy changed as far as the Middle East is concerned? Rather than worry about these communications, which require a Philadelphia lawyer to interpret, it might be better to ask those directly involved to appear before our committee. What troubles me is why someone didn't call the President and say, "Mr. President, we have a sensitive issue before the Security Council and I need your advice." Why couldn't that have been done?

Ms. **Holtzman**. I think you have made an excellent point. There has been enough alleged with regard to mistakes and I think the committee would be well advised to have the people involved in the relevant decisions testify as to what happened. In fact, if the gentleman will read the resolution of inquiry, it directs the President, not the Secretary of State, to respond and specifically asks for representations made by or on behalf of Secretary Vance or Donald McHenry to the President about the resolution.

Mr. **Broomfield**. You see, I accepted the President's word that he made a mistake, there is no question about that, but I want to know whether or not our policy has changed. I think that is the key that we are all interested in.

Mrs. **Fenwick**. Would the gentleman yield?

Mr. **Broomfield**. Yes.

Mrs. **Fenwick**. The question is: Have we an action which is simply a matter of incompetence or is there a change of policy on the part of one or more of the people who operate significantly in this matter?

Mr. **Winn**. Would the gentleman yield?

Mr. **Broomfield**. Yes.

POTENTIAL WITNESSES IN ADDITION TO SECRETARY OF STATE

Chairman **Zablocki**. So that we may have regular order, I would hope that when the gentleman from Michigan has completed his statement or inquiry we could go on in the regular order to this side.

Mr. **Broomfield**. Very well.

Chairman **Zablocki**. The Chair had failed to put the light on and we have a real problem. I hope the gentleman from Michigan will understand. I might say to the gentleman from Michigan that Ambassador Donald McHenry is a friend of mine and I would not want to do that to him because we are going to have the Secretary of State here.

Mr. **Winn**. Mr. Chairman, a parliamentary inquiry.

Mr. Chairman, if we are suggesting who might testify here, we might invite Mayor Koch of New York. [Laughter.] I am serious about this because in the New York Times and in the Washington

Post this morning the mayor made the statement that there is a new gang of five that are affecting the policy of the United States for Israel. If that is true, I think the committee would want to hear the Secretary of State, Donald McHenry, Mr. Saunders of the State Department, and Andrew Young, formerly U.N. Representative, and Brzezinski, the President's National Security Adviser.

Chairman ZABLOCKI. Well, the Chair's response to the parliamentary inquiry, which really wasn't a parliamentary inquiry——

Mr. WINN. I didn't know if there were five or six, that was my inquiry.

Chairman ZABLOCKI. We do want this committee to act responsibly and in a honorable way. This is a very serious matter and we don't want to clown about it. The Chair is always very humorous but this is a very serious matter. I would hope that we can have an executive session with the Secretary of State and the Chair will suggest to the Secretary of State if he needs to have Donald McHenry here while he testifies, he is welcome.

REMARKS OF REPRESENTATIVES ROSENTHAL

Mr. FASCELL. Mr. Chairman.

Chairman ZABLOCKI. The gentleman from Florida. Do you pass? I am sorry. Under the Findley rule, Mr. Rosenthal is next.

Mr. ROSENTHAL. Thank you very much, Mr. Chairman. I want to commend my colleagues for bringing to the committee this resolution of inquiry. I think it is a very useful asset and I support it and will vote for it. I think it is very important that the committee together with our counterpart in the other body obtain all the facts concerning this issue.

I think the fundamental issue involved here is that when a great nation dissociates itself from a vote in the Security Council, it is a unique, almost unheard of, virtually shocking experience and the Congress of the United States is entitled to know the entire process and the proceeding that went into the events that led up to the dissociation from a vote of the Security Council. What happens is, we lose credibility in the United Nations and throughout the world community, and there has been damage to our reputation in that body.

I believe that in line with what the chairman said, not only should the Secretary of State bring along all the communication and cable traffic between Washington and New York but we should also hear from Ambassador McHenry and obtain his views as to the nature and the extent of the damage done to our reputation and ability to continue as a respected member of the Security Council, not only in matters relating to Israel and the Middle East but to all matters. Will our vote be subject to suspicion in the future?

In view of the fact of the mention of Ambassador McHenry's name by Mr. Winn appearing in stories in the Washington Post and New York Times, I want to report that Mr. Winn and I served as members of the U.S. delegation to the General Assembly from September to December. I worked very, very closely with Ambassador McHenry. I myself believe that the remarks attributed to

Mayor Koch both are out of order and unfounded and unacceptable.

It is my view that Ambassador McHenry is a distinguished and able Foreign Service officer who follows orders, who does not make policy; he is implementing policy that is made by the President of the United States. As a matter of fact, I believe the President when he said that it was a mistake. It was his mistake, and we are entitled to understand exactly how that developed, what the circumstances were.

I do believe that charging Ambassador McHenry with any of the fallout from this event is quite unfair. It is out of keeping with the reality of the event. It is my opinion that we must hold responsible and chargeable the President of the United States for everything that followed from the time he gave the first instruction until the time he gave the last instruction and we are entitled to all that information.

If we determine that there has been a change of policy, it should be made public. The American public must be partners in all of the making and execution of foreign policy of the United States. It is the responsibility of this committee not to be a handmaiden of the administration in this or any other foreign policy but to be virtually an adversary in determining the fair truth so the American public can decide on its own merit whether they want to dissociate themselves from any new, amended, or changed policy or whether they want to support the policy.

Until the committee fulfills its mission and mandate under the rules of the House and the Constitution of the United States—until we do that we have not fulfilled, in a sense, our responsibility. So I want to make absolutely clear that I believe you have rendered a very useful service in bringing this matter before the committee and it is my expectation that the committee will fulfill the responsibility as we have so often in the past.

Chairman ZABLOCKI. The Chair desires to announce that there is a vote in process on the windfall profits tax conference report. We will recess until after the vote and reconvene.

The committee is in recess until 3 o'clock.

[Whereupon, the committee recessed.]

REMARKS OF REPRESENTATIVE SOLARZ

Chairman ZABLOCKI. The committee will resume its hearing.

The Chair would like to advise that at the time the hearing had begun we were operating under the Findley rule so Mr. Solarz, Mr. Pease, Mr. Derwinski, Mr. Winn, and Mr. Lagomarsino would be called before we go to the other members.

Mr. BINGHAM. Parliamentary inquiry.

Chairman ZABLOCKI. The gentleman from New York.

Mr. BINGHAM. I assume we will have an opportunity to discuss the resolution after the witnesses have completed their presentation.

Chairman ZABLOCKI. Yes. As a matter of fact, we are doing that right now.

Mr. Solarz is recognized.

Mr. SOLARZ. Thank you very much, Mr. Chairman.

Let me first of all take this opportunity to commend our colleagues for bringing this matter to the attention of the committee and the Congress and the country.

I have to say that when I first found out about this vote in the U.N. I felt a little bit the way Clemenceau must have felt in connection with a somewhat different matter when he said that it was worse than a crime, it was stupidity. It seems to me that at a time when the Soviet Union is on the march in Afghanistan, when our diplomats are being held hostage in Iran, that we really have no business enjoining in the condemnation of what is in the final analysis our only reliable democratic ally in the Middle East.

It seems to me that instead of calling upon Israel to dismantle the existing settlements in the West Bank and Gaza, a demand which goes way beyond what even President Sadat is asking in the context of the autonomy negotiations, that we should, if anything, be praising Israel for the economic and territorial sacrifices it has already made for peace with Egypt.

But given the fact that we did vote for this palpably pernicious proclamation, it seems to me from the view of those who are concerned about the future of Israel that we are far better off that the President has repudiated rather than reaffirmed this resolution. While I am not to this day satisfied with the administration's position on the whole settlement question, I am pleased that the President has chosen to dissociate himself from this singularly senseless statement.

Now our three distinguished colleagues all said that one of their primary concerns was to find out what precisely is U.S. policy with respect to the questions contained in the U.N. resolution. I have to say here that over the course of the last few days I think the President of the United States has spoken out publicly in response to the very concerns which our colleagues have expressed. For example, on the question of Jerusalem he has said that it is the policy of his administration to support the proposition that Jerusalem should remain an undivided city and that freedom of access should be guaranteed to those who choose to worship at the holy places of the different faiths.

He has said with respect to the status of the West Bank and Gaza in response to the point that the language in the resolution indicating that these were Palestinian and Arab territories, thereby implicitly prejudging the question of who was entitled to sovereignty of those areas, that the future status of the West Bank and Gaza from the point of view of this administration remains to be resolved in the context of the autonomy negotiations and in the context of the final negotiations that will take place 3 years after the autonomy authority begins on the West Bank and Gaza.

Insofar as the references in the resolution to the dismantlement of the existing settlements is concerned the President has publicly reaffirmed his point of view and the position of the administration that he is not nor is the administration in favor of the dismantlement of existing settlements. While he is opposed to the establishment of new settlements as every administration since 1967 has been, Republican and Democratic alike, he is not in favor of dismantlement of the existing settlements.

Now I share the concerns that our three colleagues have expressed concerning the events that led up to our casting a vote. I find it hard to understand myself, I think it was outrageous. Given the fact the vote was cast, it seems to me very clear that the foreign policy of the United States is made in the final analysis by the President of the United States and our policy is what the President says our policy is. Insofar as I am concerned, in the last few days the President has publicly, very clearly and unequivocally, expressed himself on precisely these points. He says Jerusalem should remain an undivided city, he says that he is not in favor of the dismantlement of existing settlements and he says that the ultimate status of the West Bank and Gaza remains to be resolved in the negotiations between Israel and its Arab neighbors.

So to the extent that the President says that our policy has not changed, that the vote which was cast for this resolution was a mistake, I accept that explanation. I am pleased that our policy has not changed. I would be much more upset if the President said to us that "I agree with the resolution and it does express my policy" because then in fact we would have before us a significant reversal in American policy toward a very sensitive question.

Our final point, Mr. Chairman. I spoke the other day with our very distinguished Ambassador to the autonomy negotiations, Mr. Linowitz, who I think is doing a magnificent job in narrowing the differences between Israel and Egypt in the context of these vital deliberations. Due to his leadership, for the first time in months some real progress has been made in acquiring a measure of agreement between Israel and Egypt.

Ambassador Linowitz told me that in his judgment the adoption of this resolution and a public controversy here on the Hill over who said what to whom and what actually happened could be extremely counterproductive in terms of our ability to move the autonomy negotiations farther. In addition, it could have adverse consequences for our ability to achieve an agreement between Israel and Egypt because the fact is that we are dealing here with highly emotional and explosive questions and there is no way you can satisfy everybody.

So I would hope, Mr. Chairman, that we do have an opportunity to schedule an executive session with the Secretary of State. I think we should assure ourselves as to what happened here. I think most importantly we want to make sure that snafus like this don't happen again. We want to know what procedures exist between the White House and the State Department to make sure that our U.N. Ambassador votes the way the President wants him to vote. But I am not at all convinced that a public exploration of each and every one of these issues would be productive in terms of what all of us want which is peace in the Middle East.

Mr. BUCHANAN. Will the gentleman yield?

REMARKS OF REPRESENTATIVE DERWINSKI

Chairman ZABLOCKI. The time of the gentleman has expired. Mr. Derwinski.

Mr. DERWINSKI. Well, after hearing from Mr. Solarz there is nothing that a mere mortal could add. [Laughter.] I commend Ms.

Holtzman, Mr. Dodd, and Mr. Fish for introducing the resolution and recognize that you are members with legitimate special concerns with this issue. I also am especially attracted to subparagraph 5 where you call for us to obtain the information and recommendations made to the President before and subsequent to the vote because obviously there was decisionmaking there.

Now if I may also commend Mr. Wolff. My experience at the U.N. was the same as yours, that the detail coming down from the Department to the mission is tremendous and I can't conceive of any instructions being misunderstood. They are too precise, too detailed, and too repetitious to be misunderstood. So I think it is important to keep that in mind.

Just as an aside though, I do not, Mr. Chairman, understand your alibi for the Department when you said we didn't have the backup material they sent because their Xerox machine didn't work. With Mr. Linowitz on duty that certainly could not happen. Then I am advised by our chief of staff, who is one of the great diplomats of the world, that this letter from Mr. Atwood was just received and I think, therefore, with the panelists we have to wait at least 48 hours to see if it stands up to any review of the Department.

Then, last but not least, and here is the real point I want too make, I would hope that we could ask Mr. Strauss to testify because I think the decisionmaking subsequent to the vote would reveal an input from that distinguished former Ambassador and if we really want to know—it all depends what we want to know. If we want to know what the policy is, I will be happy with the explanation from the Secretary. If we want to know why there was this switch from the vote to the denial of its authenticity 48 hours later, then I think Ambassador Strauss is the man that has to report to us.

With that helpful, objective, nonpartisan suggestion, Mr. Chairman, I yield back my time.

INTENT OF SPONSORS OF THE RESOLUTION

Mr. Dᴏᴅᴅ. Mr. Chairman.

Down here, Mr. Chairman.

Chairman Zᴀʙʟᴏᴄᴋɪ. I thought you were on the River Jordan.

Mr. Dᴏᴅᴅ. We spend too much time together.

Chairman Zᴀʙʟᴏᴄᴋɪ. On the banks of the River Jordan the chairman remembers how you tried to christen him and tried to throw him bodily into the river.

Mr. Dᴏᴅᴅ. Just trying to cleanse your soul, Mr. Chairman.

I would just like to comment on what Mr. Solarz said and in part to what Mr. Derwinski has said as well. I believe I speak for Ms. Holtzman and Mr. Fish when I restate that it is not our intention to embarrass the administration or to get involved in a mudslinging situation where we cause the present policies of the administration to be that much more complicated than they already are. I think that needs to be said as clearly as we can.

Certainly our desire here is to try to determine what the policy of the administration is and whether it has changed. If it has changed, why has it changed and what were the circumstances surrounding that change?

It has been said in numerous press reports that the administration reviewed the U.N. resolution. The problem with the resolution was the seven references to Jerusalem and that efforts were made to exclude those references. Apparently no effort was made to exclude, or a limited effort was made to exclude, the reference to the dismantlement of the settlements. If it was made, it was not successfully carried out. If it was not successfully carried out, why did we still go forward and support the resolution?

I think only through the process of an executive session can we ultimately find out the answer to that. I think it is important to conduct the executive session and when that is concluded this committee will have the information before it to determine whether or not more action is necessary.

I would hope, however, that if you are not satisfied with what occurs in executive session, if you feel that the administration through the Secretary of State, through our Ambassador in New York, through Mr. Strauss or anyone else you bring before it, fails to answer your questions that you will join with us in insisting that this resolution of inquiry go forward and we go further in our efforts to discover the truth of what actually occurred.

REMARKS OF REPRESENTATIVE WINN

Chairman **Zablocki**. The Chair wants to assure the gentleman from Connecticut that he is fully confident that the gentleman does not intend nor do any of the cosponsors intend to embarrass the President but I must say that if he will again emphasize that I will have to refer to that line in Shakespeare, "methinks the lady doth protest too much."

Following the Findley rule, two members will be called in order, Mr. Larry Winn and Mr. Lagomarsino, and then we will go back.

Mr. Winn.

Mr. **Winn**. Thank you, Mr. Chairman.

I want to follow up just briefly if I can on the remarks that were made by Mr. Rosenthal and Mr. Wolff about the communication system between the U.S. mission to the U.N. and the State Department. Now I can't tell you, because I don't have the experience, what the communications are between the White House and the Secretary of State although they should be good.

There is no doubt in my mind that after 3 months' service up there that they do overcommunicate on practically everything. As a matter of fact, sometimes calls, cables, back and forth are made seven and eight times a day between the State Department and the U.S. mission to the U.N. about a word or two—should they use this word, should they use that word in various resolutions that people are working on.

I would like to point out, too, that when and if the statement attributed to the President that they take out the references to Jerusalem—Ambassador McHenry does not have that authority. He can't just walk into a Security Council meeting on a resolution and say, "We will go along with that if you will take out the references to Jerusalem." He can try but that resolution was not introduced by the United States, it was not a U.S. resolution, it was introduced by the Ambassador from Jordan and the Ambassador from Morocco who sit on the Security Council.

So I would have to personally say that that might be a part of the excuse or where part of the differences might have resolved but I doubt very much if that is the actual fact because Ambassador McHenry could only go back to vote "yes" or "no," he could only go back and try to get those references out and that type of discussion would take quite a bit of time.

Ms. HOLTZMAN. Mr. Winn, I would like to make a point in response to your observations, which I think are very important, and that is that a claim has been made that there was a mistake. I think we should make very clear the fact that no one has said who made that mistake. The President of the United States did not say, "I made the mistake." Nobody has said who made the mistake nor has anybody said what the mistake was. Indeed, I would refer you to the letter from the Assistant Secretary of State, Mr. Atwood. He doesn't even refer to a mistake in this entire letter.

Mr. WINN. I can understand that.

Ms. HOLTZMAN. But beyond that, the point is that there seems to be a claim that this vote would not have been cast had everybody been aware that there were seven references to Jerusalem. The fact is that 2 hours before the vote took place on Saturday, Secretary of State Vance met with the Israeli Ambassador and at that time the Israeli Ambassador pointed out to the Secretary of State the seven references to Jerusalem in the resolution.

What happened after that point? At that point the Secretary of State of the United States knew that the resolution contained the seven references to Jerusalem. What did he do? Did he advise the President of this fact? Did he know that his instructions were to vote against the resolution if it contained this?

That is why I think it is imperative to have the Secretary of State here to explain. The fact is that at least the Secretary of State of the United States knew 2 hours before the vote was cast that it contained language that was presumably offensive to Israel, yet we have no explanation as to why the vote took place after that.

Mr. WINN. I think that the input there is very important and I think your question is certainly one of the things that we are trying to analyze and to get at. We have a tough situation because Ambassador McHenry is under the jurisdiction of Secretary Vance and the President of the United States, who, of course, are his bosses and so it is going to be a very delicate thing for all of those individuals and for this committee to try to figure out who is to blame for whatever went on. I think you make a very good point on the references on Jerusalem. I am just trying to make it clear to the members of this committee that it was not a U.S. resolution at all that was being voted on. We are only 1 of 14 members there. We can make suggestions and we could probably delay the vote which would not be the first time that we or other members of the Security Council have delayed a vote, for whatever reason. Conferences held to try to get the references to Jerusalem pulled out, if those were the instructions from the President and if those were the instructions from the Secretary of State.

Ms. HOLTZMAN. If I might add just one thing.

Mr. WINN. Go right ahead.

Ms. HOLTZMAN. In fact, according to statements made to the press, the vote had been delayed the night before, apparently because the Secretary of State wanted to confirm whether or not the language on the settlements was adequate. Now with whom did the Secretary of State check? Did he check with the President? Did he get an OK?

Mr. WINN. Is it your understanding that Ambassador McHenry was not satisfied with the first response he got from the Secretary of State and that he asked the Secretary to go on and talk to the President about that?

Ms. HOLTZMAN. My understanding from the press reports—and the administration apparently has been willing to tell the press more than it has been willing to tell this committee—is that Mr. McHenry was told to delay the vote on Friday night so there could be further checking with the administration to see whether the resolution satisfied the administration policy.

Mr. WINN. Thank you, Mr. Chairman.

REMARKS OF REPRESENTATIVE LAGOMARSINO

Chairman ZABLOCKI. Mr. Lagomarsino.

Mr. LAGOMARSINO. Thank you, Mr. Chairman.

I appreciate the feeling of the witnesses in saying they don't want to embarrass the President and/or the administration. I think the administration has already embarrassed itself; what we need to find out if we can is why and how. I think it is important not only for this issue but just how foreign policy is made in general.

All of the talks so far and the thrust of the resolution, as I understand it, is with regard to consultation in the administration itself, who said what to whom, who gave what directions, and so on. I am interested also in whether or not, and if so to what extent, the administration might have consulted with Members of Congress. I would like to ask—I won't embarrass the chairman by asking him the question but I would like to ask the ranking member, Mr. Broomfield, if he was consulted on this resolution.

Mr. BROOMFIELD. No; I was not consulted on the resolution.

Mr. LAGOMARSINO. You might say this is an example of someone shooting themselves in the foot and I would like to know what kind of a gun it was.

I yield back my time.

REMARKS OF REPRESENTATIVE WOLFF

Chairman ZABLOCKI. Thank God I was not consulted.

We will hear Mr. Wolff and then Mr. Bingham.

Mr. WOLFF. Thank you, Mr. Chairman.

I, like other of my colleagues, want to compliment the authors of the resolution for bringing this matter actually to a consideration of this committee. I wonder, however, whether or not it is the desire to fix responsibility or blame or to determine if policy has really changed which I think is the most important element. Now on that score so far as policy is concerned, I would like to read to the folks here a statement that was made by Assistant Secretary of State Alfred Atherton when he appeared before this committee. He said even though the administration witnesses have testified in the past that the Israelis had a right to settle the West Bank and the Gaza Strip, Secretary Atherton came before our two committees here and said:

> Both of these territories, the West Bank and Gaza, were part of the British mandate of Palestine * * * Israel under the 1949 armistice agreement has not finally been resolved. In the view of the United States, the important thing concerning the future and disposition of the West Bank and Gaza is that the arrangement be acceptable to the parties concerned.

Now that has been the position of this administration and past administrations regarding Israel and the so-called occupied territory. I think more important than attempting to try to fix blame and responsibility and who did what to whom is to get a clear statement of policy now from the administration as to what the policy is of the administrtion regarding Israel, regarding the occupied territories and regarding the future disposition of Jerusalem to see if a change has occurred.

Now if you want to go to who is responsible, I would suggest in addition to calling the people that have been named before that we call those functionaries who do the so-called lobbying around the United Nations, who do the legwork to make a determination and to influence the other delegations as to the U.S. position and what instructions they had. I think that is even more important to the point than making a determination as to where the responsibility lay or anything else like that because it is their instructions, the instructions that they have had which will clearly delineate what the U.S. policy was all about at the time that this resolution was passed.

I would also suggest—no one seems to have mentioned this—that all of the communications back and forth generally clear through our Assistant Secretary of State Bill Mains and I think he is an integral part of this and should be called.

Mr. Chairman, I would suggest that if there can be any executive session that our three colleagues here who have introduced this resolution be part of the executive session so that they can sit in and listen to the reports of the various administration officials who have been called to testify.

Thank you.

REMARKS OF REPRESENTATIVE BINGHAM

Chairman Zablocki. It was the intention of the Chair to invite our three colleagues to that session.

The gentleman from New York, Mr. Bingham.

Mr. Bingham. Thank you, Mr. Chairman.

I think no one has been more dismayed by the initial vote or the subsequent events than I have. I think I was the first Member of Congress to rise and protest the vote on the Monday morning following that and like Mr. Solarz while I found it difficult to believe that a mistake had occurred I found it better that the President disavowed the vote than allowed it to stand.

I do believe that we are entitled to know what the policy is and whether there has been a change. I agree with my colleague from New York, Mr. Solarz, that the President has quite clearly restated what was our position on the settlements, what was the administration's position on the settlements and on Jerusalem.

I don't agree with that policy in various respects. As just suggested by Mr. Wolff, I think that it goes too far to say that the settlements are illegal. It seems to me that that is based on the premise that the settlements have been put on territory of some other nation that was occupied and that is not the case. Jordan never had sovereignty over those territories. Morever, I think our policy with respect to Jerusalem is in many respects seriously in error, I think it is unrealistic. It does not recognize what I think to be the fact, that Israel has annexed the territory and in many ways I am critical of the policy but I don't feel that there is at this point any lack of clarity as to what the policy is.

Now as to whether we should probe further into how this disastrous—and I think it is disastrous in terms of the interests and the reputation of the United States—whether we should probe further into how this happened. I believe it is the responsibility of this committee to make such an inquiry but I do believe it should be made in executive session. I don't think that a public probing of that wound will serve our interests or serve the interests of peace in the Middle East.

The Secretary of State has accepted responsibility for the error and he will doubtless tell us, I hope he will, in executive session how it came about. While it is hard to understand, I don't believe that it passes belief. Having served 3 years at the United Nations myself, I know there were cases when there were misunderstandings and I find it impossible to believe that President Carter had seen the text of the resolution when he apparently gave or was understood to have given his consent to a positive vote.

So I can believe that there was a mistake but as I said I don't believe it would serve the interests of the United States for the precise way in which that happened to be probed in public. I think our responsibility as an oversight committee is to explore the nature of the relationship between the mission and the Department and the White House in such a way as to seek to assure that no such blunder occurs again. I think that in summary the interests of the United States have been very severely damaged and I hope that whatever we do does not damage them further.

CLARIFICATION OF PRESENT U.S. POLICY NECESSARY

Mr. DODD. Could I comment. Jack, I appreciate your comments and I certainly have many of the same desires that you have indicated in your remarks. This letter we received today from Brian Atwood—I presume it was sent today, I don't see a date on it but let's assume it was sent today or yesterday, whenever it was. Do you have that in front of you? I would like to turn to page 3 in the second to the last paragraph there and I will quote from it. It says: "For these reasons, the President has emphasized in his March 4 statement that our vote at the Security Council did not represent a change in existing U.S. policy—not on settlements, not on Jerusalem, not on our role in the peace process," and so forth.

Just on two points there, "not on settlements, not on our role in the peace process." In fact the vote does depart from our policy. Our policy has not been for one to dismantle the settlements and yet the resolution clearly calls for the dismantling and even today the Assistant Secretary of State says it does not change existing U.S. policy. It appears that there is still confusion within the State Department. You have the President saying it was a mistake 2 days after the vote and now today we find that they are saying in effect the President made a mistake because the resolution in effect is U.S. policy. There is terrible confusion here.

Mr. **Bingham**. The gentleman makes a good point about the letter. I think the wording there is unfortunate. I interpret it to mean that the sequence of events involved does not mean a change in existing U.S. policy. Certainly the vote at the Security Council was disavowed by the United States, by the President. He disavowed it so the wording in that sentence is, to say the least, not felicitous.

Mr. **Dodd**. That is part of the problem, I think.

Chairman **Zablocki**. The Chair would like to advise the gentleman from Connecticut that this letter was in the making late last night and apparently the typist did not know whether to put the date of March 11 or 12 but it was received today so March 12 would be the date of the letter.

Mr. **Dodd**. So it would be as of today?

REMARKS OF REPRESENTATIVE FINDLEY

Chairman **Zablocki**. As of today, but it was worked on late last night—I am not really sure whether it was the 11th or 12th when the final version was prepared.

The gentleman from Illinois, Mr. Findley.

Mr. **Findley**. I don't know of anyone who in private would say that there was a breakdown of the communication. The people I have talked with privately, and almost all of them I have talked with in public, have stated that the administration surely knew what was in the resolution and intended to give it support and then, under pressure, reversed itself. But whatever the real explanation, I think we would all agree that this adds up to a colossal blunder in my view, the worst blunder in U.S. diplomatic history.

It has earned broad contempt from just about every party to the Middle East conflict. The response of the State of Israel clearly is the seizure of about 1,000 acres of land on the northern outskirts of Jerusalem, an act of clear defiance to the Carter administration and one that certainly is going to heighten tensions in the Middle East.

In reading the resolution I can understand why some changes should have been made. But I am surprised at the reaction of these three colleagues of ours against the references to Jerusalem and to settlements. My understanding of U.S. policy is that our Government has never recognized the annexation of any of these lands to the State of Israel. It has not recognized the annexation of East Jerusalem nor the West Bank nor Gaza nor the Golan Heights. We have not recognized the occupation or the seizure or the control of these lands by the State of Israel. We have viewed these acts as an obstacle to peace.

Therefore, in reading the references to Jerusalem and the references to settlements that are in the resolution I am astounded that you would take such strong exception and try to convey the notion that this is a departure of U.S. policy. Now to be sure, we have not joined in support of a U.N. resolution; this is explicit. But I find, with the exception of the use of the word "dismantling" in reference to the settlements, that this resolution is consistent with U.S. policy.

I am wondering if any of you would want to comment on my statements.

U.S. POLICY ON SETTLEMENTS ISSUE

Ms. **HOLTZMAN**. Mr. Findley, if I might be presumptuous enough to disagree respectfully with you, I don't think your statement about U.S. policy is in fact accurate. U.N. Resolution 242 does not refer to the territories occupied by Israel after the 1967 war as Palestinian or Arab nor have we recognized them as such and therefore this resolution in fact departs from that earlier resolution.

Mr. **FINDLEY**. We have never recognized them as a part of Israel.

Ms. **HOLTZMAN**. We have never recognized them as Palestinian or Arab. The settlements is the language used by the U.S. Government. I don't think the Government has ever referred to the occupation as an obstacle to peace. Second, we have always recognized the need for a unified Jerusalem.

Mr. **FINDLEY**. Of course, but we have never recognized its annexation by Israel.

Mr. **DODD**. Paul, if I may, nor has there been any determination as to who has sovereignty over that land. That is the process of the negotiations, but this resolution establishes the sovereignty on those properties and that is why at least the United States should have abstained.

Mr. **FINDLEY**. Are you suggesting that we have recognized that East Jerusalem is properly a part of Israel?

Mr. **DODD**. No; that is not the point.

Mr. **FINDLEY**. That is my point.

Mr. **DODD**. We are not debating the policy so much as to whether or not there has been a change in the policy and how that change occurred. That is the purpose of our resolution.

Mr. **FINDLEY**. Let me ask Ms. Holtzman if she would be willing to comment on whether new settlements by Israel and the West Bank are an obstacle to peace. Do you think they are?

Ms. **HOLTZMAN**. No, not necessarily.

Mr. **FINDLEY**. Do you think they serve the peace process?

Ms. **HOLTZMAN**. They could.

Mr. **FINDLEY**. Do you view East Jerusalem, as part of the territory taken by Israel in the 1967 war, to be different from the other territories occupied by Israel in that conflict or subsequent to that conflict?

Mr. **DODD**. To whom are you addressing the question?

Mr. **Findley**. To Ms. Holtzman.

Ms. **Holtzman**. I am sorry.

Mr. **Findley**. In other words, is it occupied land?

Ms. **Holtzman**. There is no question that Jews were denied access to Jerusalem during the time it was occupied. Jordan occupied the territories without having legal status and in fact annexed the West Bank after the mandate.

Mr. **Findley**. The present status is that of occupied territory?

Ms. **Holtzman**. The issue is not what my view is of the legal status of East Jerusalem. The issue is how the United States in the past has viewed it and whether or not there has been any change in policy. I think, in fact, that there has been a change that we have not covered. One of the important points about the Camp David accord and about Resolution 242 is that by not denominating the sovereignty over these territories, it provides a framework for the parties to negotiate the status of these territories. The primary fault of the March 1 vote is that we took away from the parties to the peace process the right to make peace; instead we are trying to impose it.

Mr. **Findley**. I think all of us ought to recognize that the West Bank, Gaza, the Golan Heights and East Jerusalem are all territories occupied by the State of Israel and that our Government has never recognized the annexation of any of that territory by Israel.

REMARKS OF REPRESENTATIVE BUCHANAN

Chairman **Zablocki**. The time of the gentleman has expired. The Chair recognizes the gentleman from Alabama, Mr. Buchanan.

Mr. **Buchanan**. Thank you, Mr. Chairman.

I think our colleagues have performed a necessary service, if not a happy one, in bringing this resolution and I, therefore, thank them for it.

Mr. Chairman, to my political detriment I have the highest record of support of this administration in the Alabama delegation and to my further and very specific detriment I have an especially high record of support in foreign policy matters. I, like my colleagues from New York and Kansas, have served at the United Nations in various related functions and I must say, and I say it regretfully, that the explanation of the vote at the United Nations is the most unlikely story I have ever heard.

Now it just is to me unthinkable that on a key vote in the Security Council we would have the kind of communications problem that the State Department would not know what the President wanted or the U.N. representative would not know what the State Department had ordered or that there should be any failure in communication anywhere along that line. I hope I am wrong, but I must say it is the most unlikely story I have ever heard and I think it is quite essential that this committee look into that matter and determine just where the fault lays.

Now through the years of my service in this body as someone who is both a friend and a critic of the Department of State, I have heard the Members of the Congress attack the State Department for foreign policy decisions that were made at the White House. I seems to me that in this strange performance the Secretary of State has quite honorably and nobly assumed responsibility. I am not sure that is where the responsibility lays, and whether they do it in public or private it is for us to look into this matter to see where the responsibility lays so that at least this committee shall know the truth and hopefully know the truth with certainty about this matter.

Therefore, I just want to thank my friends for raising the issue. I regret any of it happened. I think it has done nothing but harm to the United States and to our interests in the world and whether the first decision was right or the second decision was right, the entire performance has been to our detriment and I deeply regret it.

If anyone on the panel would like to respond, fine. Otherwise, I yield back the balance of my time.

REMARKS OF REPRESENTATIVE GILMAN

Chairman **Zablocki**. Mr. Gilman.

Mr. **Gilman**. Thank you, Mr. Chairman.

I first of all want to commend the distinguished panel before us—the gentlelady from New York, Ms. Holtzman; the gentleman from New York, Mr. Fish; and the gentleman from Connecticut, Mr. Dodd—for having the initiative to bring this resolution before the Congress, to bring it before this committee. I think it is an extremely important issue and I think it is one that we should review in depth. There is no question that it may have some reverberations with respect to the sensitive negotiations that are now underway, but when we are trying to determine U.S policy and it is treated so lightly in such an important international body as the U.N. Security Council I think it is worthy of this kind of an investigation.

I certainly want to commend the panelists for being here today and for pursuing the issue. I hope that our committee will properly pursue the issue.

ASSESSMENT OF COSPONSORS ON AVAILABILITY OF RELEVANT DOCUMENTS

I am concerned with regard to the response that the State Department has made to the request for documentation. I know that both Ms. Holtzman and Mr. Fish served on a prior committee where they were confronted with executive privilege.

I note that on page 1 of Assistant Secretary Atwood's undated response to our committee that the State Department is shielding themselves behind executive privilege. I would like to explore this position with the panelists as to what their thoughts are. Have we been provided with the kind of information necessary to explore this issue properly? What do you think should be provided? What do you think the committee should be doing to make a full exploration?

Mr. **Dodd**. Well, as I read that paragraph, and certainly Ms. Holtzman and Mr. Fish have had prior experience in dealing with an area like this, but my own reading of it was it was not a question of thir invoking it yet, but it was raising the flag, so to speak, of executive privilege. I would hope that the administration, particularly in executive session, would not invoke executive privilege.

Mr. **Gilman**. If the gentleman would yield, most of this advice and information that was exchanged relates to sensitive consultations and they feel they are entitled to the highest category of executive privilege.

Mr. **Dodd**. I understand they feel they are entitled. They have not yet said that is what they intend to do.

Mr. **Gilman**. We ourselves cannot provide information of that type and that is what I am concerned about and why I am asking you for your thoughts.

Mr. **Dodd**. I think you might find some reluctance to come forward with classified information or material in a public hearing. I would not want to read that sentence, either one of them, at this junture as being an invocation of executive privilege and hope that the administration would realize the importance, particularly in executive session, of communicating to the committee its records on this issue.

Mr. **Gilman**. Ms. Holtzman.

Ms. **Holtzman**. Perhaps, we should wait 48 hours and find out whether or not this is an invocation or not of executive privilege.

To be serious for a moment, I am disturbed by the Carter administration's raising that claim because it seems that the administration, through a variety of methods has tried selectively to give the public its version of what happened. It seems to me that if the administration wants to tell what happened, it ought to come forward and tell the whole story and answer the questions we have raised. I hope that the administration would not formally invoke executive privilege. Many times in the past the executive branch has sought to hide embarrassing actions under the cloke of executive privilege. I think that when that has happened it has always been to the detriment of the country.

To respond to the point raised by Mr. Buchanan, I think that when Congress exercises its constitutional prerogatives to oversee the actions of the executive branch, to bring to light mistakes that have occurred, and to try to correct them. Even though problems may become apparent, in the long run the country will benefit. I see no danger here and I would hope the committee would go forward vigorously to find out what happened.

Mr. **Gilman**. Mr. Fish.

Mr. **Fish**. I thank the gentleman.

I have been supplied with the resolutions of inquiry introduced in the House of Representatives the last 5 or 6 years and they have really been tabled by the committees that they were referred to, either tabled by voice vote or record vote. Very few got to the House floor and most of them were not directed at the President in the first place so I don't know that we have too much precedent.

Like my colleague, I do regret that the very initial response on the part of the State Department raises early in their statement the question of executive privilege. My recollection is, and I can be corrected by counsel of the committee, that steps be taken, the first to issue a subpena specifying the documents and memorandums, and so forth, that you wish and then once that is complied with at least in part you make a determination as to whether you wish to go to the full House for a vote with respect to the material not complied with.

If that is successful, then you look forward to maybe 1 year or 18 months of litigation. So it is not a very rewarding route to take. I would sincerely hope that in the course of the executive session that the committee will be spoken to in such a frank manner that it will be satisfied.

You know, I have heard a lot, if I could comment one step further, about the sensitivity of the issues and the sensitivity of the Congress expressing itself in this regard. To me, Mr. Chairman, the damage has already been done and we have done nothing but fortify the intransigence of those Arab States that have not yet joined the peace process. They are not going to now and I think that it is all the more important that a very, very clear statement of concern and resolution of precisely what American policy is is essential so that the world will know that the Congress itself and not just the executive branch is vitally concerned.

Mr. Gilman. Thank you, Mr. Chairman.

REMARKS OF REPRESENTATIVE FENWICK

Chairman Zablocki. The time of the gentleman has expired. The Chair recognize Mrs. Fenwick, who is the only member on the committee who has more patience than the Chair.

Mrs. Fenwick. Thank you, Mr. Chairman.

I think there are several things that need to be said. In the first place, as far as the West Bank is concerned, I hope it will be on the record that has long been occupied land illegally, if you will, or without recognition. The Ottoman Empire collapsed, and years later Jordan itself moved in; the other Arab States objected and we never recognized Jordan's occupation. We are hesitating now. We have it under the peace agreement as to how that area shall be administered. I think that is clear and I don't think there ought to be any debate.

What absolutely puzzles me, as it did the gentleman from Connecticut, is the second page of that letter. What it says is that the vote showed no change. When we speak of Arab and Palestinian territories and East Jerusalem and Jerusalem it is incredible that anyone could say there is no change. It is more than felicitous as it has been so charitably described. It is incredible. It is as though the whole disaster into which we have been plunged were only a trifle—and it is a worldwide disaster, let's not minimize that.

I wish Mr. Linowitz could tell us what this has done to the peace process. Let's see what happens when Mr. Sadat and Mr. Begin are confronted with this, what their feelings are when they find out no one even reads a motion when it is going to be voted on in the Security Council. We cannot minimize the effect of this.

Now the disaster has happened as the gentleman from New York has told us and still it was admitted to be only a mistake of communications. Still we get the State Department telling us that it represents no change. You only have to read what the resolution itself said. You have to wonder when you see that the resolution mention the Palestinian or Arab territories which have been occupied since 1967, or occupied since 1950, if you are going to talk about the West Bank.

It represents an enormous departure, this resolution, but unless that is clearly understood it is not surprising that our Ambassador voted for it. If the letter stands, and of course we have to wait 48 hours for it to jell, it is no wonder that we voted for it, since it is thought of in those terms.

CERTIFICATION ON U.S. VOTE AND DISAVOWAL NECESSARY

Ms. **HOLTZMAN**. I would say to the gentleman from New Jersey that I also have a question as to whether it is felicitous. On page 2 it states that the President of the United States issued a statement making it clear that the vote of the United States in the Security Council does not represent a change in our position. The fact of the matter is the vote does make a change in our position.

Mrs. **FENWICK**. That is what I am talking about.

Ms. **HOLTZMAN**. To say that it does not is to have it both ways—to have a vote on record and on the one hand to have disavowed the vote and on the other hand to say the vote still stands. I think it is terribly important to clarify exactly what this vote means, what the disavowal means, what this letter means, what our policy is.

Mrs. **FENWICK**. I would like to hear from the Department of State about these various clauses in the resolution because it is true that we never recognized the occupation of the West Bank by Israel. Neither did we recognize it by the Jordanians; Jordan itself originally was called Transjordan. It is ruled by a Hashemite family, brought up out of Arabia when Transjordan was formed after the collapse of the Ottoman Empire. It is also true that Resolution 242, to which we have subscribed and which has been the basis of our policy, does speak of Israel having secure borders which suggested some change in the 1948 borders in order to make more secure that state.

Mr. **DODD**. If I could just follow on with what the gentlelady from New Jersey said. Page 3 confuses me even further because it says the statements made last week were incorrect and that the resolution is incorrect. We are almost back to square 1.

Mrs. **FENWICK**. Exactly.

Mr. **DODD**. It goes on and it says, "not on our role in the peace process." Well, what has happened here is that in effect we have taken a position in the resolution and so in effect we have hobbled the ability of the parties to negotiate to the peace process.

Mrs. **FENWICK**. What is what I was referring to.

Mr. **DODD**. This is the most current policy from the administration. Then it is even more confusing than the original disavowals that were made after the vote was taken 2 days afterward.

Mr. **BINGHAM**. Would the gentlelady yield?

Mrs. **FENWICK**. Yes.

Mr. **BINGHAM**. She knows I have the greatest admiration for her and her position on this. When I said it was not felicitous I think that is perhaps a generous characterization but I don't think it is too far off the mark. The only direct quotes of the President's statement are in the paragraphs that appear on page 2 and the third paragraph clearly indicates that the U.S. vote was approved on a misunderstanding. The failure to communicate this clearly resulted in a vote in favor of the resolution rather than an abstension. That clearly indicates, and that is a direct quote from the President, that the vote was a mistake.

There is a partial vote in the preceding sentence but I have asked for the statement in full and all I can say is that my interpretation of that is that the vote or the intended vote was not represented as changing our position clearly in the quoted material there. It reiterates the fact that the vote was a mistake and that the intention of that was based on a misunderstanding.

REMARKS OF REPRESENTATIVE ROSENTHAL

Mr. **ROSENTHAL**. Mr. Chairman, I ask unanimous consent that the gentlelady be given 2 or 3 additional minutes.

Will the gentlelady yield to me?

Chairman **ZABLOCKI**. The Chair is going to stop the clock.

Mr. **ROSENTHAL**. I have my own views on policies. I think the resolution of inquiry is the mechanism of the execution of U.S. policy and what happens to the U.S. ability to deal effectively in the United Nations. That is point 1.

Point 2 is what is the policy. Was this in fact a change? I don't really think it was a change frankly. This has been a closet policy for a long time. It has been a closet policy for 2½ years. The fact of the matter is when the administration came into being the President's foreign policy advisers urged him to adopt in principle the Brookings report.

The Brookings report called more or less for the 1967 lines with minor modifications. I myself think that in the hidden policy which we may not be privy to is the development and emergence of a Palestinian state in the West Bank and the Gaza Strip. Inch by inch it is slipping out from the closet. This resolution was one of the elements of what may be the development of that policy so in public there are two ways to look at this.

This is indeed a public change of policy or of a perception that they wanted the public to have of what the policy in reality is. In the "deep think tanks" of the administration I am not sure it is a change of policy at all because what I worry that the policy is and what I am convinced it is, it is a quick-fix comprehensive settlement. Get all the parties together, and the way you do it quickly is to force Israel to move back quickly and to get back to the 1967 lines.

Now the simplest elements of the resolution that they have prepared to vote for; that is, are the settlements illegal or are the settlements an obstacle to peace, many distinguished international lawyers and scholars have testified that the fourth Geneva convention does not apply. Even if the fourth Geneva convention applies under the Oppenheimer-Louderbach treaties, unless you actually remove and occupy areas that were heavily populated they are not illegal. So there is an open question among distinguished scholars whether it is illegal or not.

The second point is the settlements may be aggregated but they may not be an obstacle to peace under international law. If you are going to have a resolution that defines obstacles to peace, there are 27 other obstacles to peace you can bring in. Why doesn't Jordan participate in the process? Why doesn't Syria participate in the process? Why doesn't Lebanon participate in the process?

It is my view that the administration policy today which is emerging from what we think policy is and from what Israel thinks policy is that to let the parties negotiate as all parties to all conflagrations and reach an agreement. Do the parties want to get rid of the settlement? If they do, that is OK. If they don't, that is OK, too. Do they want to adjust the borders? If they don't adjust the borders, that is OK, too.

It took 30 to 40 years before they decided what to do with the territory but the administration has this quick-fix flip-flop, now flop-flop, policy in which we get this happy settlement by May 28. It can't be done. After all the four wars and the animosity and the travail and the sadness and the horror, honestly, it is going to take years to grind down that animosity and to let these people learn to live together and they are going to have to do it on terms that are acceptable to the people on the ground.

But is is the administration philosophy, I believe, to get a quick fix, to establish clear boundary lines, and then magically our relations with the 800 million Moslems will blossom and the desert will yield unending oil supplies, and America will have gasoline prices back to 28 cents a gallon.

Ms. **Holtzman**. I would like to ask how this country would vote now. Despite the President's statement, quoted on page 2 of this letter, that the vote does not represent a change in our position, an analysis of the resolution demonstrates that there has been a radical shift in U.S. policy. If that policy is one that has been brooded about in the dark recesses, then I think it ought to be brought out.

Mr. **Rosenthal**. It is a shift in public policy but not necessarily in private policy.

Thank you, Mr. Chairman.

Chairman **Zablocki**. Do any other members wish to be recognized?

Mr. **Buchanan**. Mr. Chairman.

Chairman **Zablocki**. The gentleman from Alabama.

Mr. **Buchanan**. As one brief comment, I would like to express my profound appreciation for Harry Truman who said, "The buck stops here."

Thank you.

SECRETARY OF STATE VANCE TO TESTIFY ON RESOLUTION

Chairman **Zablocki**. The Chair on behalf of the committee desires to thank our colleagues who have presented this resolution of inquiry and testified on behalf of the resolution this afternoon. So that there will be no lack of communication or understanding, the sponsors agree that they will withhold any action until the committee has an opportunity to hear from the Secretary or State his representative in executive session, hopefully, sometime next week.

Mr. **Dodd**. Thank you, Mr. Chairman.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Chairman ZABLOCKI. The committee stands adjourned, subject to the call of the Chair.

[Whereupon, at 4:10 p.m., the committee adjourned.]

RESOLUTION OF INQUIRY CONCERNING THE U.S. VOTE IN THE U.N. SECURITY COUNCIL ON ISRAELI SETTLEMENTS IN THE OCCUPIED TERRITORIES

FRIDAY, MARCH 21, 1980

House of Representatives,
Committee on Foreign Affairs,
Washington, D. C.

The committee met at 10:30 a.m., in room 2171, Rayburn House Office Building, Hon. Clement J. Zablocki (chairman) presiding.

Chairman **Zablocki**. The committee will please come to order.

We meet today to receive testimony from Secretary of State concerning U.S. policy in the Middle East.

BACKGROUND ON COMMITTEE ACTION

As the members of the committee are aware, we met on March 12 to hear Representatives Holtzman, Dodd, and Fish, the co-sponsors of House Resolution 598, a resolution that directs the President to furnish the House information and facts regarding the U.S. decision to vote for the U.N. Security Council resolution on March 1.

At that hearing, we considered a letter from the Assistant Secretary of State for Congressional Relations that provided certain documents on this matter. The letter also indicated the willingness of the Secretary to meet with the committee. At the end of last week's hearing, it was agreed that action on the pending resulution would be withheld until our meeting with the Secretary was arranged.

Before the members today are copies of House Resolution 598, the contents of materials supplied by the State Department, the U.N. Security Council resolution, and an earlier draft of that resolution.

As several members indicated at last week's hearing, the real issue before us is whether U.S. policy toward the Mideast, and particularly toward Israel, has changed, in light of the U.N. vote. That is the basic issue—do we now have a different policy toward Israel than we had a month ago, a year ago.

The President of the United States, the Secretary on several occasions repeatedly stated, and that the policy has not changed.

Mr. Secretary, we look forward to having your views on this most important question. Also joining the committee today is Representative Holtzman, the principal cosponsor of the resolution inquiry. We welcome you, Ms. Holtzman, and after the members of the committee have had an opportunity to ask questions, we will

61-253 O - 80 - 4

certainly recognize the gentlewoman from New York to participate in the questioning period.

Mr. Secretary, if you will proceed, please.

STATEMENT OF HON. CYRUS R. VANCE, SECRETARY OF STATE

Secretary VANCE. Thank you, Mr. Chairman.

Mr. Chairman, members of the committee, there has been a great deal of discussion about the subject of today's hearings: The event surrounding the U.S. vote in the U.N. Security Council on March 1. Mr. Chairman, I know that all of us here are aware of the importance of approaching cur discussions today with a view to their possible impact on our efforts for a comprehensive peace. In this regard, Ambassador Linowitz is leaving tomorrow for a round of particularly sensitive negotiations with the Egyptians and Israelis.

Over the years the United States has been forthright in stating its position on the issues. We have made clear: Our unwavering support for Israel's security and its well-being; our longstanding commitment to the independence and territorial integrity of all the states of the Middle East, including Israel's right to live in peace within secure and recognized boundaries; our support for Security Council Resolution 242 in all its parts as the foundation of a comprehensive peace settlement; our belief confirmed by Egypt and Israel at Camp David that negotiations are necessary for the purpose of carrying out all the provisions and principles of Resolutions 242 and 338; our conviction shared by Egypt and Israel that a comprehensive peace must include a resolution of the Palestinian problem in all its aspects; our firm position that we will not recognize or negotiate with the PLO so long as the PLO does not recognize Israeli's right to exist and does not accept Security Council Resolutions 242 and 338; and our strong view that in the interim the parties should conduct themselves in accordance with international law and commonsense restraint so as to build trust that a sequence of successful negotiations can bring about a just, honorable, and lasting peace for all.

After nearly 30 years of stalemate and strife, we finally have seen concrete progress toward peace through negotiations. President Sadat, Prime Minister Begin, and President Carter embarked on a process that has led to the Camp David framework, the Egypt-Israel peace treaty, and the present negotiations to establish full autonomy in the West Bank and Gaza. At the request of the parties, the United States is a full partner in these negotiations.

It is important to stress that the objective of all three partners is a peaceful settlement compatible with the Camp David accords and achieved through negotiation. The approach which has begun to bear fruit in the last 2 years is to reach accommodation on those issues that can be tackled now and then to use the progress made in the present stage to facilitate resolution of the tougher issues in later phases of negotiations. It is critical to the process that each side gain trust that a negotiated settlement on fair terms is possible.

Let me turn now to several specific issues.

DEFINITION OF PRESENT NEGOTIATIONS

The present negotiations: The current negotiations provide the context for concrete discussion of individual issues. It is important to define what the current negotiations are and what they are not.

They are not, for example, designed to define the final status of the West Bank and Gaza. All issues relating to permanent institutions in these areas are to be resolved in later negotiations where the Palestinians can participate in the determination of their own future through the process set forth in the Camp David accords. Our concern is that unilateral acts tend to prejudice the outcome of those negotiations, and therefore to undercut the avenue to a peaceful and honorable resolution of these complex problems.

The current negotiations are an effort to establish a self-governing authority in the West Bank and Gaza for a transitional period while fully protecting Israel's security. In order for that effort to succeed, some important issues will have to be resolved.

The current negotiations must also define the powers and responsibilities of the self-governing authority to be exercised in the West Bank and Gaza. These arrangements should assure full autonomy for the inhabitants of these territories while providing for the legitimate security concerns of the parties involved.

There is also the question of how the elections will be conducted which will produce the the freely elected body called for by the Camp David framework. Those elections should assure that that body has the popular support necessary to carry out during the transitional period its responsibilities as agreed among the parties.

ISRAELI SECURITY

On the question of security, let me reaffirm the statement in the Camp David accords that "all necessary measures will be taken and provisions made to assure the security of Israel and its neighbors during the transitional period and beyond." That commitment is an integral part of the Camp David framework, and this administration intends to see that it is honored in full.

THE U.N. RESOLUTION

The U.N. resolution: In February, we were faced with the draft resolution on the question of Israeli settlements which was circulated in the Security Council.

We disagreed with a reference in the resolution to dismantling existing settlements, and sought unsuccessfully to have it removed. As often happens in the U.N. Security Council, therefore, we stated our reservations without opposing the resolution as a whole. President Carter has stated clearly our view that this call for dismantling was neither proper nor practical.

As you know, we did succeed in removing paragraph 7 of the draft, which called on Israel to assure the exercise of religious freedom in Jerusalem, thereby wrongly implying that it is not already doing so.

There was a misunderstanding, however, with regard to our position on other references to Jerusalem in the resolution. The President understood that all the references to Jerusalem would be removed before we would vote for the resolutions, believing that in the present phase of autonomy negotiations, it would not be helpful to raise the issue of Jerusalem in a U.N. resolution regarding the settlements. I believed that what the President wished to have removed were the reference to Jerusalem and related material contained in paragraph 7. I was mistaken and have accepted full responsibility for this misunderstanding.

As Ambassador McHenry stated in the Security Council immediately following the vote, the U.S. considers Resolution 465 as recommendatory rather than binding. With regard to the references in the resolution to "Palestinian and other Arab lands," it is our position that this phrase should not be construed as in any way prejudicing the outcome of the autonomy negotiations or negotiations on the final status of the West Bank and Gaza.

As the President unequivocally stated on March 3, our policies with respect to settlements in occupied territory, and with respect to Jerusalem, have not changed. I think it is important that I take a moment to reiterate briefly our policies on these two issues.

ISRAELI SETTLEMENTS

Settlements in occupied territory: U.S. policy toward the establishment of Israeli settlements in the occupied territories is unequivocal and has long been a matter of public record. We consider it to be contrary to international law and an impediment to the successful conclusion of the Middle East peace process. We have consistently urged Israel to halt actions to create new settlements or to seize land to expand existing ones. We regard such restraint as particularly important while the autonomy negotiations are underway.

The Camp David framework does not refer specifically to Israeli settlements in the West Bank and Gaza. Nevertheless, certain questions concerning the status of the settlements during the transitional period will obviously have to be resolved in the course of the autonomy negotiations.

The permanent resolution of the settlements issue must then be decided in the subsequent negotiations on the final status of the occupied territories.

U.S. POLICY ON JERUSALEM

Jerusalem: Our policy on Jerusalem has remained consistent under the past four Presidents. As President Carter stated on March 3, our position on the status of Jerusalem has not changed. That position remains as indicated by the President in his letter to President Sadat signed at the time of the Camp David accords.

With respect to the future of Jerusalem, it has been our consistent position that the final status of the city must be settled in the context of negotiations for a final peace. We believe that whatever solution is eventually agreed upon should preserve Jerusalem as an undivided city. It should provide for free access to the Jewish, Moslem, and Christian holy sites without distinction or discrimination for the free exercise of worship. The solution should assure the basic rights of all the city's residents. We have taken no position on exactly how the final status of Jerusalem might be defined.

MIDDLE EAST PEACE PROCESS

The peace process: In sum, Mr. Chairman, there has been no change in U.S. policy as we continue our dedicated efforts toward a comprehensive settlement.

Before turning to your questions, I would like to say a few final words about the Middle East peace process as a whole. Over the past three years, there is no foreign policy goal on which the President and I have worked harder than a genuine peace in the Middle East. The achievement at Camp David, the peace treaty between Egypt and Israel, the launching of negotiations to establish full autonomy in the West Bank and Gaza are historic accomplishments, particularly when viewed against the past history of this tragic conflict.

It is critically important that we concentrate our full and undivided attention on the autonomy negotiations and do all we can to give these talks the best possible prospect for success. The autonomy negotiations offer the first real opportunity for Palestinians living in the West Bank and Gaza to achieve full autonomy within the context of assured Israeli security, as the next step toward achieving a just, lasting, and comprehensive peace settlement.

As reflected in the agreement reached at Camp David, such a peace is deeply in the interests of the United States, of Israel, of Israel's neighbors, and of the world. Every decision we have made—and will make—is designed to move us toward that goal.

With this in mind, the President has invited President Sadat and Prime Minister Begin each to come to Washington in early April to discuss with him how best we can accelerate the movement toward our mutual objective.

Thank you, Mr. Chairman.

Chairman ZABLOCKI. Thank you, Mr. Secretary.

U.S. OBJECTIONS TO PARAGRAPH 7 OF THE RESOLUTION

The two versions of the resolution on the issue that was considered in the Security Council, the one that was passed is the one that has the date of March 1. What date was the earlier version? I presume it was the earlier version, the longer version, which had contained paragraph 7, to which the President and you, sir, have——

Secretary VANCE. I believe it was February 28.

Chairman ZABLOCKI. And it was on the basis of this February 28 version that the President objected to paragraph 7, and it was your impresssion that 7 was stricken from the March 1?

Secretary VANCE. Yes, all of us agreed to the fact that we must object to paragraph 7 of the earlier draft.

Chairman ZABLOCKI. Although the March 1 draft, paragraph 8, still has the essence of paragraph 7 but——

Secretary VANCE. No, it does not.

Chairman ZABLOCKI. It deals with the specific status of Jerusalem?

Secretary VANCE. If you will read the text of what the earlier paragraph 7, I think you will see it is quite different. It calls upon Israel to abide by the pertinent Security Council resolutions concerning Jerusalem, in particular resolution 252, and to respect and guarantee religious freedoms and practices in Jerusalem and other holy places in the occupied Arab territories, as well as the integrity of places of religious worship. That is quite different.

Chairman ZABLOCKI. Much different, I agree, and that is why it was the perception that since paragraph 7 in the earlier version was stricken, there could be some communication as far as instructions to the action we had taken in the U.N.

As to the action, may I ask, Mr. Secretary, there are those who have said we at least should have abstained; and those who said we should have vetoed as a member of the Security Council, vetoed the resolution, and, of course, there are some that maintain that the question could be divided. The portions of the resolution, of 456, which we would agree to and strongly support, could have been voted on separately.

For the chairman, I am sure the members of the committee, I know what the answer might very well be, but would the latter procedure under the rules of the U.N. Security Council be possible, that is dividing the question.

Secretary VANCE. Yes, it can be done.

Chairman ZABLOCKI. Why wasn't it done?

Secretary VANCE. It was decided that it would be taken up in whole and voted in whole.

OTHER PROPOSALS OF THE RESOLUTION

Chairman ZABLOCKI. Mr. Secretary would you care to comment on the other proposals, as to what impact they would have as far as our relations not only with Israel but with the members of the United Nations?

Secretary VANCE. First, let me point out that 465 as adopted is merely a recommendatory and not a binding resolution. That is important. That is a point which was stressed by Ambassador McHenry at the time that he made his statement on the explanation of the vote.

It is wholly recommendatory and I think that is very important for us to keep in mind.

The resolution is a long one. It deals with settlement issues and ther are many different provisions of it, and if you have any questions on specific paragraphs, I would be only too glad to answer them.

Chairman ZABLOCKI. Mr. Secretary, with the recommendation of some that we should have vetoed, then we would be on record certainly in conflict with our U.S. foreign policy, for example, on settlement, is that not true?

Secretary VANCE. That is correct.

Chairman ZABLOCKI. So we really then, whichever way we go, we would be criticized, as the Government has been?

Secretary VANCE. Yes, we would then be voting against our fundamental stated position for a long, long time; namely, that we believe the establishment of settlements in occupied territory to be both contrary to international law and an obstacle to peace.

REAFFIRMING U.S. SUPPORT FOR ISRAEL

Chairman **Zablocki**. I am sure that even though we may have erred in voting for the Resolution 465 in total, the basic question now is the reassurance that we are certainly following our policy toward Israel, that there is no basic change?

Secretary **Vance**. I state again today, unequivocally, there has been no change in our basic policy with respect to Israel.

I stated that yesterday in open testimony before the Senate Foreign Relations Committee and I repeat it and underscore it again today.

Let me make one point I think it is important to make. Israel is important for many, many reasons. It is important because of our historical ties. It is important because of the values that we share. It is important because of what Israel stands for, and it is important also strategically.

Israel is an important force for stability in the region and this is something that we must keep in mind because stability in that region is very much in the national interest of the United States and, indeed, it is important in terms of world peace.

Chairman **Zablocki**. Mr. Secretary, this final observation. In order to continue the process of Camp David, in order to proceed to promote peace in the Middle East, it would not be productive to be nitpicking on some of the positions or interpretations on the U.N. Resolution 465, do you agree?

Secretary **Vance**. Yes, I do. I think what we ought to be talking about, quite frankly, is what is our policy with respect to the Middle East, and has it changed. I am prepared to answer any and all questions on that. As I said, there has been no change. But if people have questions, I am prepared to answer any and all on that.

Chairman **Zablocki**. First of all, we certainly have great faith in you and your credibility has never been shaken as far as this committee is concerned, and as a matter of fact, my support of your positions over and over on the floor, some of my colleagues say I must be getting the Vance Purple Heart six times over.

Thank you very much.

Mr. Broomfield.

Mr. **Broomfield**. Thank you, Mr. Chairman.

U.S. ROLE IN DRAFTING OF THE RESOLUTION

Mr. Secretary, obviously we are trying, in view of the resolution of inquiry, to find out actually what did happen. An article that appeared in the New York Times indicated Mr. McHenry said publicly that his instructions were to get the drafters of the resolution to delete a particular objectionable paragraph, paragraph 7, which implied criticism of Israel's administration of the holy places in Jerusalem and to do his best to get rid of other language calling on Israel to dismantle its existing settlements in the Arab territories occupied since 1967, including Jerusalem.

Mr. McHenry said he understood that if he succeeded in this he was authorized to vote in favor of the resolution.

My primary question is: Who really drafted the U.N. resolution originally? What role did the United States play in arriving at the language that appears in the final version of the resolution?

Secretary **Vance**. The United States was not a drafter of the resolution. The resolution was drafted by others at the United Nations and was introduced, I believe, in the Security Council by the Tunisians, who are the Arab representative on the Security Council.

Mr. **Broomfield**. What can you tell us about the President's knowledge of the wording of the U.N. resolution and when did he know about it?

Secretary **Vance**. I think it will be highly inappropriate for me to go into any discussions which I had with the President of the United States. Traditionally, and I think properly so, discussions between a Cabinet officer and the President of the United States have not been the subject for the Cabinet officer to talk about. I intend to adhere to that longstanding practice.

IMPACT OF U.S. VOTE ON THE RESOLUTION

Mr. **Broomfield**. Mr. Secretary, what has been the impact, in your judgment, of the U.S. vote and its subsequent repudiation of the vote, on Israel and Egypt and their willingness to pursue the question of autonomy in the negotiations?

Secretary **Vance**. Both Israel and Egypt are ready to go forward with the autonomy negotiations. Both of them recognize the importance of trying to successfully conclude those negotiations by the target date, if possible. The invitation extended by the President to each of the heads of government of the states of Israel and Egypt were immediately and enthusiastically accepted. They share the view that all of us have in the administration that it is fundamentally important for peace in the region that we try to make progress and reach a successful conclusion in these negotiations. So that they are prepared to go forward and to try and reach a successful conclusion.

Mr. **Broomfield**. You don't feel then that the peace process has been jeopardized?

Secretary **Vance**. In a fundamental way I think it has not.

Mr. **Broomfield**. In Ambassador McHenry's characterization of the U.S. vote, he says it leaves us with the worst of all possible worlds. How about the rest of the countries that are deeply concerned about the peace efforts other than Israel and Egypt, has it had any adverse effect on U.S. policy?

Secretary **Vance**. I think that obviously the failure of communications which took place here and the results that flowed from that has had a negative effect, but you come back to the question which you put to me a moment ago, is it going to adversely affect the negotiations between Israel and Egypt? I think the answer is no.

Mr. **Broomfield**. Thank you, Mr. Secretary.

Chairman **Zablocki**. Mr. Rosenthal.

Mr. **Rosenthal**. Thank you very much, Mr. Chairman.

Mr. Secretary, I assumed that it is not your intention to produce either the cable traffic from Ambassador McHenry or to divulge yourself any of the considerations that took place between you and the President, and that is a matter that you have decided and I assume the committee will have to deal with.

But in the absence of that kind of direct evidence as to what happened, I think the committee and the public can only try to draw the best conjectures they can as to what took place, and it is important to understand that, because in the future we want to maintain the integrity and efficacy of U.S. votes in the United Nations and as a matter of fact, U.S. public positions on foreign policy. Thus, we are left to the vehicle of expressing our own view within the outlines of the conjecture as to what happened.

My personal view, is that in a sense it is a charade to hold the Secretary of State and his foreign policy associates responsible for what took place. I base that on my personal knowledge in having worked with you for a significant number of years, the 3 months that I served at the United Nations as a member of the U.S. delegation to the General Assembly, and my associations with Ambassador McHenry. There isn't any doubt in my mind that both of you are distinguished, experienced, knowledgeable, and respected foreign policy managers and that you acted within what you perceived to be the parameters of U.S. foreign policy as dictated by the President. I, myself, hold the President responsible for what happened and it is naive, I think, to think otherwise.

LEGALITY OF ISRAELI SETTLEMENTS

I would like to go back a little to the fundamental resolution, not only 465 but other resolutions that we voted for—one in the General Assembly on December 12, and other times and places.

It is my view that you cannot vote and proclaim that the settlements are illegal because I don't think that the fourth Geneva Convention, article 49, applies. The West Bank and Gaza are not occupied territories under the Geneva Convention, since article 2 refers to occupied territories which used to belong to a legitimate sovereign.

The West Bank and Gaza belonged to the British mandate until received by Egypt and Jordan in 1949, and aggression can never confer legal title to territories.

There is a long case that can be made by legal scholars as to whether or not the fourth Geneva Convention applies. There are those that say even if it does apply, Israel is not engaged in the transfer of populations as contemplated by article 49 and thus under the theory of Oppenheimer Lauderbach, a distinguished legal international law treatise and the fact that population hasn't been moved from inhabited territories, that the settlements aren't illegal.

To vote for any resolution that says the settlements are an obstacle to peace is voting for a one-sided resolution. If you want to say that the settlements are obstacles to peace as compared to an aggravation factor, I think they are an aggravation factor. But if you want to vote for them as an obstacle to peace, then you have to list the other 49 obstacles to peace as to the relationship between the other parties.

The resolution that we voted for was a disaster, and it is not important whether it is a change in policy or not. That resolution which is a statement of the U.S. position, in a distinguished and important world body calls for virtually final resolution of the dispute between parties. It divides Jerusalem, it removes Israel back to the 1967 lines, it in effect takes away anything that the parties can negotiate about. It is a final treaty. It was brought to the Security Council by Jordan and Morocco, parties that have not seen fit to remain either unprejudiced or unbiased and have very special interests.

So, it is a dilemma for us to understand how we could have voted for that resolution with or without paragraph 7. It still retains seven references to Jerusalem, thus implicitly dividing Jerusalem and taking that issue away from the parties, taking the issue of the West Bank and Gaza away from the parties and it seems to me that if we really want to finally resolve this issue with the parties, and I am certain we do, we have to leave it to them to decide these thorny issues, and we have to try to understand why the Israelis pursue the settlements issue.

Obviously they pursue it because they want their territory to be negotiable and, until a final resolution of the negotiated sections between the parties, the settlements are in a sense irrelevant or aggravating to people who want to maintain the status quo on the ground.

So, Mr. Secretary, it seems to me that U.S. policy is defined by this resolution that we voted for until it is totally repudiated by the President and until the President makes a definitive statement as to the basis for calling the settlements illegal, and until he defines all the obstacles to peace, including the settlements. If he thinks those are obstacles to peace, it seems to me the time has come for not only the Secretary of State but the President to clearly define what U.S. policy is in the absence of the conventional rhetoric that we support the integrity of Israel and Israel is a friend.

We know all that. We have to define what are the opportunities for the negotiating position between the parties, what are the parameters of their opportunity to negotiate, and under what circumstances will we permit them to negotiate. By voting for this resolution, we take away from Israel a confidence, the psychological confidence that they need in the United States to resolve these different issues, and I think that vote has set back the climate for positive negotiations for a long period of time absent the new declaration by the President of the United States.

Secretary VANCE. Let me respond, if I may, please.

Chairman ZABLOCKI. That was a very strong question.

Secretary VANCE. First, the ultimate responsibility for the Department of State and for the United Nations and U.S. actions there is my responsibility. I am the Secretary of State. The mistake which was made was my mistake. Therefore, I am the one who should properly take the responsibility.

Second, I must totally disagree with you, respectfully, because I have a great respect for you, as you know, as a lawyer as well as a Congressman—on our view with respect to the legality of settlements in occupied territory.

FOURTH GENEVA CONVENTION

Article 49, paragraph 6, of the fourth Geneva Convention is, in my judgment, and has been in the judgment of each of the legal advisers of the State Department for many, many years, to be exactly what it is as I described it this morning; namely, that they are illegal and that it applies to the territories, including the West Bank and Gaza.

I am familiar with your reference to Mr. Lauderbach's opinion. He is a respected authority but he is the only one of the respected authorities who shares your opinion. The rest of them do not agree with that. They agree with the position that has been taken by the legal advisers to the State Department time after time over the years.

You say next that this document is in effect a final treaty. Again, I must disagree with you. This is clearly a recommendatory resolution and clearly so defined by our representative as such.

It can in no way be viewed as anything even remotely approaching a document with the characterization of a final treaty.

ISRAELI SETTLEMENTS AND PALESTINIAN AUTONOMY

I would agree that the ultimate disposition of the settlement question has to be worked out in negotiations. I said it in my opening statement and I repeat it now. There is going to have to be some negotiation with respect to certain aspects of the settlements issue in the autonomy negotiations, but the ultimate disposition of the settlements issue is going to have to be worked out in the negotiations among the parties pursuant to 242 in the final negotiations with respect to that issue.

Having said that, I find myself again in disagreement with the suggestion which you made that the language which is contained in this recommendatory resolution in any way finally determines the question of what will be done on the settlements issues. That is to be negotiated and it will be negotiated in the future.

NATURE OF U.S. POLICY

Last, on the nature of our policy, I have tried to spell out again this morning the nature and quality and main elements of our foreign policy with respect to the Middle East. I have done this many times before in statements before this committee and elsewhere, and in public speeches. The President has done the same. I repeat to you it has not changed and has not been changed by resolution 465 and what happened with respect to that.

Chairman **Zablocki**. Mr. Bingham.

PRESIDENT'S STATEMENT OF MARCH 4

Mr. **Bingham**. Thank you, Mr. Chairman.

First of all, Mr. Secretary, I have to say that I agree that the events of the first days of March amounted to a disaster for us. We managed, it seems to me, to grievously affect our credibility both vis-a-vis Israel and vis-a-vis the Arab States, which takes some doing. I admire you for attempting to take responsibility for what happened, but I am reminded, it seems to me, that in allowing you to do that, the President was forgetting the sound admonition of President Truman "that the buck stops here"—on the President's desk.

I think the President has to accept the responsibility for what happened.

I don't want to ask questions about the particular events surrounding the resolution, which you have indicated you can't respond to, and I think I understand about executive privilege, but I don't want to ask you about the President's statement of March 4, which occasioned quite a little discussion in this committee the other day when we were discussing the resolution of inquiry.

The first sentence of that statement of March 4 reads as follows:

> I want to make it clear that the vote of the United States in the Security Council of the United Nations does not represent a change in our position regarding the Israeli settlements in the occupied areas nor regarding the status of Jerusalem.

What was pointed out is that that sentence seems to reiterate the position by the initial vote and to be inconsistent with the later paragraphs indicating that the vote was cast by mistake.

Secretary **Vance**. What the President said there is that he wants to make it clear, and I quote:

> That the vote of the United States in the Security Council does not represent a change in our position regarding Israeli settlements in the occupied areas nor regarding the status of Jerusalem.

That is very clear what he said. Then he goes on to say—

> While our opposition to the establishment of the Israeli settlements is longstanding and well known, we made strenuous efforts to eliminate the language with reference to dismantling of the settlements in the resolution. This call for dismantling was neither proper nor practical. We believe that the future disposition of existing settlements must be determined during the current autonomy negotiations.

What he was saying there was very clear, Mr. Bingham, that as we all know, in parliamentary procedures when one votes for a resolution sometimes one votes for the resolution as a whole, and particularly in a recommendatory situation, such as we had here, you make clear what your policy is with respect to such portions of the resolution you disagree with.

Mr. **Bingham**. I am sorry, my time is running out and I do have to interrupt you. We are very familiar with the latter paragraphs, but the point I was raising and was raised by several members here the other day, is that the first sentence seemed to be a reaffirmation of the vote and I assume that it wasn't so intended but it appears to read that way. If the vote which was cast by mistake did not represent a change in our policy, then the vote stands. That is what that sentence appears to say.

Secretary **Vance**. It stands as a vote of record. On the other hand, the President made clear how it should be interpreted in terms of our policy. What he was saying very clearly was that provided certain changes were made; namely, that our reservations were stated, and specifically the removal of all references to Jerusalem, the stating of our reservations on the issue of the dismantling and the fact the resolution was recommendatory, and not binding, we would have voted for the resolution.

Mr. **Bingham**. I wish you could clearly state for us that that sentence doesn't mean that the United States stands on the position that was represented by that vote on March 1 because——

Secretary **Vance**. What I am clearly stating is that our policy is unchanged with respect to settlements and to the question of Jerusalem. The President then defined, however, what objections we had to certain provisions in the resolution.

LEGALITY OF SETTLEMENTS

Mr. **Bingham**. Mr. Secretary, Mr. Rosenthal made some of the points that I had in mind to make about the question of settlements and the legality of the settlements. It does seem to me that in our discussion of the subject you never do seem to point out the fact that the West Bank was not Jordanian territory, it was in a peculiar category.

You also seem to be remarkably insensitive, it seems to me, at times to profound feelings on the part of the Israelis, and I have in mind particularly the problem of Hebron. I realize that the announcement with respect to Hebron came at a time which seemed unfortunate, but should we not in our statements recognize, first that Hebron is particularly a holy city to the Jewish people. Second, that Jewish families lived there for centuries until 1928, and third, that what was proposed and what is currently being discussed is not the establishment of a settlement in the normal sense, but of Jewish people moving back into houses that were owned and occupied by Jews for many, many years?

Secretary **Vance**. You covered two matters. Let me speak to both of them.

The question of what effect, if any, on the legal status arises from the fact that Jordan wasn't sovereign in the West Bank, was covered in the opinion letter, which I believe this committee has, I made it available to you, dated April 21, 1978, from the legal adviser. It points out that the applicability of the law of belligerent occupation, including the fourth Geneva Convention, does not depend on the basis on which Jordan and Egypt governed; and I might add that the Israeli Supreme Court itself has treated the West Bank as occupied territory.

On your second question, I am not sure whether it is a question or a comment. I am not quite clear in my own mind yet what the Israeli position is with respect to the Hebron situation. I think it remains to be seen how that may be clarified.

Mr. **Bingham**. Thank you.

Chairman **Zablocki**. Mr. Findley.

U.S. ATTITUDE TOWARD THE SETTLEMENTS

Mr. **Findley**. Mr. Secretary, according to the New York Times yesterday, or today, Senator Biden thought that the administration ought to declare publicly we are mad as hell with Begin over the settlements. It doesn't report your response. I will give you a chance here this morning. Are you mad as hell or are you mad or are you not mad at all?

Secretary **Vance**. I don't think that is the kind of question I ought to answer.

Mr. **Findley**. Seriously, I think it is important to make very clear the attitude of the administration. We are upset with the settlement policy; is that an accurate statement?

Secretary **Vance**. We are upset with the settlements policy. We have made that clear time and time again.

Mr. **Findley**. Thank you, Mr. Secretary.

Secretary **Vance**. We have stated our policy and we believe in it.

Mr. **Findley**. Thank you.

Chairman **Zablocki**. I must observe that the Secretary would never be mad, angry, maybe.

Mr. **Findley**. He is truly a gentleman.

EFFECT OF SUBSECTION 5 LANGUAGE

Mr. Secretary, I draw your attention to subsection 5 which has the words "including Jerusalem." I suspect that that is the part of the resolution, apart from the reference to dismantling existing settlements, that was most troublesome to the administration.

I would like to have your view as to the effect of the language of subsection 5 if the words "including Jerusalem" were omitted?

The reason I raise the question is that I suspect there are times when the administration may see fit not to state on the public record in a forum like the United Nations its own policy, even though that statement might be consistent with its policy.

Would this subsection have the same effect if the words "including Jerusalem" were omitted?

Secretary **Vance**. We object to the use of the word "dismantling" whether it is applied to the West Bank, Gaza or Jerusalem.

Mr. **Findley**. I understand. I was drawing your attention to subsection 5 where it says "determines all measures taken by Israel to change the physical character" and so on, "of the Palestinian and other Arab territories occupied since 1967, including Jerusalem."

That is a reference to Jerusalem and I can understand why the administration would not wish the word "Jerusalem" included there. But if those two words were stricken from that subparagraph, would it not say the same as it does in its form as approved by the Security Council?

Secretary **Vance**. Well, I come back to the point that we object to the suggestion that there be dismantling with respect to any settlements because we think it is not proper, and/or practical.

Mr. **Findley**. Obviously, I am not stating——

Secretary **Vance**. Maybe I dont understand what you are getting at.

Mr. **Findley**. It is my view that the United States does not recognize as legal the annexation that Israel made of East Jerusalem, is that correct?

Secretary **Vance**. We believe, and this has been our policy for many years, that East Jerusalem is occupied territory.

Mr. **Findley**. Yes. Thank you.

Therefore, it would, I would think, be encompassed by the term Arab territories occupied since 1967 as stated in the subparagraph. That was the point I was trying to make, that that reference to Arab territories occupied since 1967 actually covers East Jerusalem, it is not necessary to state that fact and to name Jerusalem. Jerusalem is included in the reference to Arab territories occupied since 1967.

Secretary **Vance**. It does.

Mr. **Findley**. Thank you very much.

WHY THE UNITED STATES HAS NO EMBASSY IN JERUSALEM

It may be that some have overlooked the fact that our Government does not have its Embassy to Israel in Jerusalem. It still has, I believe, a consulate in East Jerusalem. Could you state the reasons why our Embassy has not been established in Jerusalem?

Secretary **Vance**. We believe that the question of the ultimate status of Jerusalem is something that has to be negotiated among the parties at some point in the negotiations leading to a final peace, and pending that, we, along with most others, maintain our offices in Tel Aviv.

Mr. **Findley**. Mr. Secretary, I know that Ambassador Linowitz is striving very hard to bring Palestinian leaders within the West Bank into the negotiating process. Do you have any indication as to whether the flap over this U.N. resolution has been harmful, represents a setback in that effort to bring West Bank Palestinian leaders into the process?

Secretary **Vance**. We will have a better view with respect to that after this trip which Mr. Linowitz has just embarked upon is completed. I don't have anything on that at this point.

Mr. **Findley**. Mr. Secretary, I want to add my words of commendation to you for your stewardship in a very difficult period and I hope that 1981 will bring happier days for you.

Chairman **Zablocki**. As the members of the committee know, we are operating under the Findley rule. All members who have been present will be called in order and then those who arrived after the gavel had dropped will be called later. There are Republican members who were here. They would be called in their order. The Chair would like to note Ms. Holtzman was here at the beginning. Out of courtesy to Ms. Holtzman, would there be objection if we call upon her for 5 minutes?

Mrs. **Fenwick**. I do think the members of the committee should be heard first and guests who arrived later should be heard later. I am perfectly willing as a member of the committee, to, yield to Ms. Holtzman. I am very happy to give her my place.

Chairman **Zablocki**. Mr. Buchanan.

Mr. **Buchanan**. I don't mind standing aside either. I do want my turn, though.

[Discussion off the record.]

Chairman **Zablocki**. The Chair recognizes Ms. Holtzman for questions for 5 minutes.

Ms. **Holtzman**. Thank you very much, Mr. Chairman.

I am grateful for the courtesy shown in allowing me to participate in the important questioning that is taking place here today. I am sorry that my questioning has become an issue. I think there are enough issues before us without adding another.

Mr. Secretary, as you know, I introduced resolution 598, together with Congressman Hamiltion Fish and Congressman Christopher

Dodd. The resolution calls on the President to furnish the House of Representatives certain documents, materials and information—specifically, the full and complete information and facts in his possession regarding the decision by the United States to vote for the resolution in the U.N. Security Council on March 1, 1980.

I take it from your statement that you are not going to produce any memorandums or documents, including any cables sent by the State Department to the Ambassador at the U.N. with respect to this vote?

Secretary VANCE. I do not think it is appropriate to do so. I think that the questions can all be answered by me, when appropriate, and I am one who feels very strongly about not trying to launch into witch hunts directed against individuals who are lower down in departments. If you press your issue then obviously I will have to take it to the President, because only the President can exercise executive privilege.

I did not make those documents available to you because I did not think that they were necessary, but if you are going to press your issue I will have to take it to the President and he will have to make a decision.

Ms. HOLTZMAN. Are you claiming executive privilege?

Secretary VANCE. I cannot. You know very well, Ms. Holtzman, only the President can claim executive privilege.

Ms. HOLTZMAN. And he has not instructed you to claim executive privilege?

Secretary VANCE. He has not at this point.

REFERENCES TO JERUSALEM IN THE U.N. RESOLUTION

Ms. HOLTZMAN. Mr. Secretary, on page 5 of your testimony you said that there was a misunderstanding that led to the vote that was cast by the United States at the U.N. You testified further that the President understood that all references to Jerusalem would be removed before we would vote for the resolution.

Did you ever tell him that all references to Jerusalem would be removed?

Secretary VANCE. The misunderstanding was that this was his understanding and I had a different understanding and we failed to communicate on this issue between us.

Ms. HOLTZMAN. Did you advise the President of the references to Jerusalem that were in the text of the Security Council resolution?

Secretary VANCE. He was familiar with them.

Ms. HOLTZMAN. At the time you had these discussions that you referred to——

Secretary VANCE. Yes.

Ms. HOLTZMAN. Prior to the vote, the President was aware of all the references to Jerusalem in the Security Council?

Secretary VANCE. I think I have answered your question and I don't believe it is appropriate for me to go any further than that.

Ms. HOLTZMAN. Well, let me state my question for the record and you can respond.

Was the President aware of all the references to Jerusalem in the text of the Security Council resolution that was voted in the U.N. on March 1?

Secretary **Vance**. A question like that, only the President himself should speak to.

Ms. **Holtzman**. Did you show him a copy of the text of the resolution?

Secretary **Vance**. I had with me a copy of the resolution.

Ms. **Holtzman**. Did you show it to him?

Secretary **Vance**. I think that that is as far as I should go in talking about meetings with the President.

Ms. **Holtzman**. And you are referring to the meeting that took place on Friday, February 29?

Secretary **Vance**. I am.

Ms. **Holtzman**. Did you observe the President reading the resolution?

Secretary **Vance**. I am not going to go any further into what took place at that meeting.

Ms. **Holtzman**. I take it that there it was no mistake with respect to the vote by the United States insofar as it referred to the dismantling of settlements? Did the President, you, and our Ambassador clearly understand the substance of the resolution's reference to the dismantling of the settlements or was there a mistake of communications with respect to these references?

Secretary **Vance**. It was clearly understood that with respect to the question of dismantling that we would seek to have the word "dismantling" taken out, but if we couldn't, we would then make very clear our position with respect to that and our reservations and our disassociation from that language.

Ms. **Holtzman**. With respect to the language in the resolution on Palestinian and other Arab lands?

Secretary **Vance**. Yes.

Ms. **Holtzman**. Do you consider that our vote was a shift in U.S. policy——

Secretary **Vance**. Not at all.

Ms. **Holtzman** [continuing]. Describing the land as Arab?

Secretary **Vance**. That language has been used before. We have voted for resolutions in the General Assembly which had that language in it. It is merely descriptive language and it does not change in any way our position.

As you know, on two occasions before we voted for resolutions in the General Assembly, in 1978 and 1979, in December of each of those years, for resolutions which contained that language.

Ms. **Holtzman**. Mr. Secretary, if in fact there was a mistake with respect to the casting of that vote, does the administration have any intention of setting the record straight in a formal letter or formal advice to the Security Council?

Secretary **Vance**. Ms. Holtzman, I think the record has been set straight on that. The President has made a statement clearly indicating what our position is, what our policy is, with respect to the resolution. As I said yesterday, a statement issued by the President of the United States to the world is certainly as clear a notice as anybody can have, and in my judgment, there is no need to send a letter to anybody to make it any clearer.

Ms. **Holtzman**. Thank you, Mr. Chairman.

Chairman **Zablocki**. The Chair will now be following the Findley rule. Mr. Buchanan.

Mr. Buchanan. Thank you, Mr. Chairman.

Mr. Secretary, first of all, let me say that I think what our country must have at this point in history is strength in leadership and you personally represent such strength. You have never been anything other than a credit to this country and——

Secretary Vance. Thank you.

Mr. Buchanan [continuing]. You are at this moment. And if I bought the line that you totally, personally, were responsible for whatever happens at the U.N., I would only say that my admiration for you would remain absolutely undiminished. I think we all know what you are and we appreciate it.

Secretary Vance. Thank you, sir.

Mr Buchanan. I think it is typical and in character that you have assumed responsibility for what happened. I am not sure that there is anybody in this room who knows precisely and specifically who was responsible except you and the Lord, if he is here, and he is not saying either, so far as I know.

But regardless of that, I think you started this on the right footing. What matters is that this leadership that our country has given, and even though I personally think Mr. Carter is responsible for this because he does have that sign on his desk, he has also had some responsibility in the Camp David accords, as you have yourself, and for that process to continue it seems to me to be a matter of first importance for our country.

You have said today that notwithstanding whatever mistake was made, two things are true. One, it did not represent a change in our policy and, two, that this process is still on track and you don't think that has been seriously injured to date; is that correct?

Secretary Vance. That is correct.

U.S. POLICY TOWARD ISRAEL

Mr. Buchanan. The other thing I would ask you about is, as you may have noticed, it is very hard for many of us here in Congress to be completely objective on the subject of Israel. Israel is to me and to many others a very special country. I think a moral necessity of the 20th century was the rebirth of Israel. I think history and justice cried out together that this must happen and that country is a very special friend of the United States, so I don't think it is very possible for me at least to be objective on that subject. And yet if it is true, as some maintain, that there is a certain pro-Israel bias in Congress, it is certainly true that there is an anti-Israel bias in the U.N. organization that permeates that whole body.

I guess what I need to know, personally, and I think maybe the American people and the people of Israel need to know with certainty, is that our policy remains firm in terms of continuing to object where anti-Israeli bias enters into words and actions in such U.N. organizations as the Security Council or elsewhere, and that our policies toward Israel remain firm and unchanged.

Secretary Vance. They do, indeed, and you are, indeed, right in saying that Israel is a special friend and ally.

Mr. Buchanan. I have one other thing that you may not answer but I don't ask it mischievously. There is a very special relationship of the U.N. Ambassador in that he is also a Cabinet officer as well as being in the sense, as other ambassadors are, the representative of the head of state as well as our country.

CHAIN OF COMMAND AT THE UNITED NATIONS

Do I understand that there exists a clear chain of command so far as the U.N. Ambassador is concerned and decisions at the U.N. that the chain of command does go up through the State Department and through the Secretary of State to the President, that is clearly the chain of command?

Secretary VANCE. That is clearly the chain of command but obviously the representative to the U.N. always has the right to go to the President directly should he choose to do so. Whenever that is done, he lets the Secretary of State know that he is doing that.

Mr. BUCHANAN. In any such case I assume you would be aware if it resulted in a decision that influenced a vote?

Secretary VANCE. Absolutely.

Mr. BUCHANAN. Mr. Chairman, I yield back the balance of my time.

Chairman ZABLOCKI. The gentleman from Washington.

Secretary VANCE. Let me say a word if I might add. I have the highest respect and regard for Ambassador McHenry. He is an extraordinarily able public servant and a man of great ability and integrity.

Chairman ZABLOCKI. Mr. Pritchard.

Mr. PRITCHARD. Thank you, Mr. Chairman.

I, too, want to say some supportive things of the Secretary. I think it is important that we stand behind you at this time, and I don't think it does much good to take you to the woodshed for a second day. I think it is counterproductive. But that is the process we have, particularly in these times right now.

ISRAELI SETTLEMENTS

This business of the settlement issue it seems to me that we get ourselves caught where it is impossible for us to make a statement that is critical of Israel without, in the view of Israel, giving support to their enemies. Somehow it seems to me if we do have a special relationship with Israel, and I believe we do, and if we are a close friend, we should be able to publicly say that here is a policy we think is counterproductive to the peace effort. We don't really help Israel by muting those thoughts, and not standing up and saying so.

I think it is important on the settlement issue that we say this is counterproductive; that this is our country's position as it is the position of many people in Israel and many Jews in this country to whom I have talked. How do you square yourself with this problem of any time you are critical you are being attacked as anti-Israel?

Secretary VANCE. Mr. Pritchard, I agree fully that friends can disagree, special friends can disagree, and when we have a policy and it may be different from that of a friend, it should not inhibit us from being willing to state what our policy is, otherwise you are going to have total confusion.

Mr. **Pritchard.** Once again I yield back the time but I do want to say how proud I am of the service that you have given this country.

Secretary **Vance.** Thank you, Mr. Pritchard.

Chairman **Zablocki.** Mrs. Fenwick.

U.S. VOTE ON THE RESOLUTION

Mrs. **Fenwick.** Thank you, Mr. Chairman. I yield to nobody, as the Secretary knows, in my respect to him, but I have questions and, like many in the public, I am confused.

I am not a lawyer, but on the face of it, Mr. Secretary, it is very hard, as Congressman Bingham has said, to say in one sentence that our policy is unchanged and then to have voted for so many things that seem to represent a change.

For example, item 1 takes note of Resolution 445. Twice in 1979, we did not approve the establishment of this commission, nor did we accept its report, yet this whole resolution is based on acceptance of that report. That is item 1.

In between items 1 and 9, five times the resolution speaks of Arab territories as Palestinian—you have explained that, and including Jerusalem. Now, that day I had noticed very carefully you spoke of the West Bank and Gaza and that, it seems to me, is the way in which we have, generally speaking, described those territories. But this resolution so clearly departs from what was our practice, here before us this morning and what has so often been our practice in the past, to describe them as West Bank and Gaza rather than as Arab and Palestinian territories. That, too, seems striking—I think there are five or six references.

Finally, item 9 requests the Commission to report to the Security Council before September and will convene at the earliest possible date to consider the report and full implementation of the resolution.

Now, full implementation of this resolution to be decided upon in an early meeting in September, it seems to me, totally interferes with the Camp David accords and the negotiations that are taking place. I am not a lawyer but I would think that we are committed here to something contrary in common sense to the process that we initiated.

Secretary **Vance.** I would be glad to answer all three of the comments that you made.

With respect to the acceptance of the report, it means exactly what it says, that we accept the report, we received the report, it doesn't mean we agree with everything in the report. I made it very clear that it was really recommendatory and, therefore, we do not do any more than accept it.

With respect to the West Bank——

Mrs. **Fenwick.** We voted not to accept that, didn't we, in July?

Secretary **Vance.** We abstained in March and I believe it was July. We had some questions about whether the Commission was a good idea. Generally, we believed that substantive matters like this are better handled in negotiations.

On the other hand, the committee or commission, whichever you wish to call it, has done serious work. It is the view of all of the other members of the Security Council, including our Western allies, Africans, Asians, Latin Americans, all 14 of them, that that serious work should be continued. We, therefore, felt that it would be appropriate for us to permit that to go forward.

I really don't see anything strange about that. As I indicated yesterday, we hoped that by abstaining on those two dates, March and also in July, that that might act as an encouragement to restraint on the part of the Israelis on the settlements issue.

As I stated yesterday, unfortunately, it did not. As a matter of fact, the situation grew worse and came to a point where I think it was beginning to jeopardize the successful conclusion of the autonomy talks. So the situation was different at this time than it was on the two prior occasions.

On the West Bank and Gaza, those are the words used in the Camp David agreement. They are occupied territories. There is no question about it. But, inasmuch as the Camp David agreement uses West Bank and Gaza, I use West Bank and Gaza, because I consider the Camp David agreement to be the bible in this. We have agreed to it, Israel, Egypt, and ourselves, we are committed to following it through, letter by letter, and we will stick to that.

Finally, with respect to your reference to paragraph 9 and full implementation, I would point out that it says in order to consider the report and the full implementation, and that is one of the reasons that we wanted to make it very clear that this was merely a recommendatory resolution, and that is why Don McHenry stressed that point, we don't consider ourselves bound and we have said we don't consider ourselves bound, and, therefore, the most that anybody could do would be to consider what happens in terms of any proposals that may come forward in the future.

I do not want to speculate on what might come foward in September because I simply don't know.

Mrs. **Fenwick**. Thank you.

Thank you, Mr. Secretary.

Chairman **Zablocki**. Mr. Fountain.

Mr. **Fountain**. Thank you, Mr. Chairman.

I don't have a question, but I would like to make an observation.

REACTION TO U.N. VOTE

First, I want to say having served as a delegate to the UN in 1967 with Ambassador Broomfield of this committee, at a time when the June 6-day war took place, and having sat in the Security Council meeting behind Ambassador Goldberg and having heard all of the deliberations, and having been a part of all of the negotiations concerning what transpired there, and based upon my experience and observation of the way in which matters are handled there and the tremendous amount of effort that is put forth, the number of discussions that take place, the changes that take place in resolutions, a word change here and a phrase change there, I have a sympathetic understanding of the result which transpired here.

I doubt that there are many of us in the Congress who would like to have to explain all of the votes that we have cast on many of the major issues of our time, particularly those Congressmen who say I voted for this but frankly, I am not for it. It was a matter of political expediency.

I think it is unfortunate that this mistake, and it was a mistake, which you have assumed the responsibility for, and so has the President, was made during a political year. I doubt very seriously if much would have been said about it in an off-year. But it was a mistake and it was unfortunate.

Nevertheless, I accept your explanation. I accept the President's explanation, I accept your statement here this morning, I think you are stating good policy. I don't think we ought to continue trying you and the President and the American Government before the bar of public opinion all over the world for a mistake. I think some groups in this country who have a vital interest in Israel and in peace in that part of the world, as all of us have, have overreacted to this mistake.

I understand their concerns, but I want to take the remainder of my time to simply say I have not always agreed with the President, particularly, on some domestic matters, but I want to say that I want to commend the President of the United States and you as one of his agents, and all of those who have worked with you, in the fantastic accomplishments which you made when you brought about the signing of the Camp David agreement.

I have traveled in that part of the world on a number of occasions. I have talked to Golda Meir and those who preceded her and those who succeeded her and to President Sadat and President Nasser. I have talked with the people in that part of the world. I know of no part of the world where the people, particularly in Israel and Egypt, wanted peace for so many years so desperately but were not able to achieve their goal. I think that for the President through you and others, to have negotiated this agreement, to bring about peace between these two countries, and to bring about the exchange of ambassadors and the carrying on of these negotiations which will establish peace ultimately is a great achievement.

For too long, too many have assumed, as the American people have assumed, that there wasn't much we could do about the Middle East, that wars, small and large, would continue on forever in eternity.

That is no longer the case. And I think that the American people and we here in the Congress have completely overlooked that fantastic first big step which has been made in the peace and security of the Middle East, which ultimately is in the interest of peace and security of the United States, and I, for one, want to commend you for what you are doing. I think you are doing a great job under great pressure and I wish you well in the days that lie ahead.

Secretary **VANCE**. Thank you, Mr. Fountain.

Chairman **ZABLOCKI**. Mr. Fascell.

Mr. **FASCELL**. Thank you, Mr. Chairman.

Mr. Secretary, let me join my colleague in commenting upon your personal service and the contribution that you have made as Secretary of State not only to this country but to the world and hope that you won't leave us. I have been encouraging the Secretary to stay around for another 4 years. There are some assumptions involved in that.

Chairman **Zablocki**. I wonder if he will be able to take the punishment?

Mr. **Fascell**. I think the assumptions are falling in place more and more every day.

PUBLIC DEFINING OF U.S. POLICY

Let me discuss this with you a little bit, if I can, Mr. Secretary, because there is a great deal of sensitivity involved here and a great deal of emotion, and there is always the question that is raised when something unforeseen occurs, that immediately it is a cabal or a conspiracy, or a major change.

Obviously, if it were the latter, in terms of major change of policy by the United States, it sure as heck wasn't subtle and it certainly wasn't hidden, so it couldn't very well be a conspiracy.

I am prepared to accept the fact that it is an honest mistake or that it was just simply an error in communication or misinterpretation in the reading of this language. Today is the first time I have really had a chance to go over this resolution more than just casually and I read it several times, and without going into the whole history of the framework of writing in the U.N., which is an art all to itself, anyway. Let me get some things here squared away in my own mind.

One, one of my colleagues said that it doesn't matter what happened here although he resented everything that happened with respect to the wording of the resolution and the position of the United States. He requested that the President should make a definitive statement publicly as to what U.S. policy is, with respect to Israel. Has the President done that since the adoption of this resolution?

Secretary **Vance**. He has not made a full review publicly of the position since then.

I have.

Mr. **Fascell**. You have done it in your statement here today?

Secretary **Vance**. That is correct. And the President knows every word that is in this statement which I read to you this morning.

Mr. **Fascell**. I may not be able to recall verbatim, and the record would have to speak for itself, when the President was interrogated on this issue, but I recall his saying in general—I will have to paraphrase—that the position, the policy of the United States with regard to Israel had not changed. I regard that as a definitive statement by the President of the United States.

Secretary **Vance**. It is.

Mr. **Fascell**. It might be better if it were in more detail, as you laid it out in your own statement here today, but I don't have any question in my mind at this point that that is what he is talking about, notwithstanding the U.S. vote on U.N. Resolution 465.

The other question that was raised, who is accepting the responsibility? You as Secretary of State didn't really have any choice. I might sympathize with you, you recognize that, but you just don't have a choice any more than I do.

But the President has also accepted responsibility, if I recall his press conference, in which he said he accepted full responsibility for the mistake—and it was definitely a mistake. I thought in fairness to the record, we ought to say the President has accepted the responsibility for whatever error occurred with respect to this resolution.

Secretary VANCE. That is right.

Mr. FASCELL. That doesn't solve the rest of the problem, however, which is what really transpired here? Was there some secret machinations going on with respect to the U.N. Office of the Secretary of State and the White House, with the possibility that there might be some subtle change in U.S. posture here, or some effort to pressure Israel, because that is the issue. The whole issue is whether or not Israel is being pressured by the United States to do something it doesn't want to do, and the extent of that pressure. Therefore, the documentation and the cable traffic becomes important to some people. I think if there is any way to produce it at some point it ought to be produced.

PARAGRAPH 7 OF THE RESOLUTION

Mr. Chairman, if you will bear with me just 1 minute, I want to get to that right now. For example, I don't see how the United States could vote for this resolution with the present paragraph 7 in it. Whether there is any misunderstanding or no misunderstanding, I don't see how you could do that.

It calls upon the States not to provide Israel with any assistance to be used specifically in connection with settlement in the occupied territories. Now, I assume you can get out from under that by saying that the U.S. assistance is not specifically in connection with the territories. I assume that is the way it is interpreted?

Secretary VANCE. That is correct.

Mr. FASCELL. You know that is not practical, it is not logical, you know that money is all fungible. The administration, itself, has proposed $1.2 billion in this next fiscal year for Israel assistance, $500 million of which is going to be on a grant basis, and the committee is raising that to $1.4 billion, with $700 million on a grant basis.

To say it doesn't specifically go to the settlements because it is not directed at the settlements, it goes to something else, I think is begging the issue. I don't see how you can vote for paragraph 7, no matter what.

Also, it seems to me the nuance has been going on for a long time and I haven't followed the U.N., about using the words "including Jerusalem," when referring to Arab territories, even though the words "occupied Arab territories" are all inclusive.

Secretary VANCE. The word or the words "including Jerusalem" has been used time and time again.

Mr. FASCELL. So it is not a new subtle nuance?

Secretary VANCE. No.

Mr. FASCELL. It has no new meaning in the state of the art?

Secretary VANCE. It certainly doesn't.

Mr. FASCELL. It was laid out separately from occupied territories simply to emphasize the problem of Jerusalem, part of which is considered occupied?

Secretary VANCE. That is right.

Mr. **Fascell.** All of which Israel disagrees with. How could the United States vote for paragraph 6 then when we talk about something to dismantle the existing settlements, et cetera, which is contrary to our policy and——

Secretary **Vance.** We dissociated ourselves from the dismantling aspect very clearly in the statement made by our permanent representative at the time.

Mr. **Fascell.** At the time of the vote?

Secretary **Vance.** Yes sir, in the explanation of the vote.

SEQUENCE OF EVENTS LEADING TO THE VOTE

Mr. **Fascell.** Well, explain to me what started the fuss then?

Secretary **Vance.** What started the fuss?

Mr. **Fascell.** Yes. The resolution was thoroughly distributed all over the U.N., Israel certainly knew what the vote was going to be. When did Israel raise the objection?

Secretary **Vance.** The basic objection raised by Israel was with respect to paragraph 7.

Mr. **Fascell.** The original paragraph 7?

Secretary **Vance.** Yes sir.

Mr. **Fascell.** Or the way paragraph 7 is written now?

Secretary **Vance.** Original paragraph 7.

Mr. **Fascell.** I see. That was the only objection Israel made?

Secretary **Vance.** I can't say.

Mr. **Fascell.** They didn't want the resolution to start with? I don't blame them for that. But that was the specific?

Secretary **Vance.** That was the main thrust.

Mr. **Fascell.** And that is what the United States undertook to get changed, is that correct?

Secretary **Vance.** Yes, but I don't want to be misleading, I don't want to say that they accepted other language in the resolution.

Mr. **Fascell.** Well, of course not. There is no way they can accept any part of this language. I am talking about what is consistent with the U.S. position and whether there was something underhanded, scurrilous, or some nuance with respect to the U.S. posture on this resolution which was intended in any way to put any pressure on the Government of Israel.

Secretary **Vance.** I can assure you that there is no underhanded, scurrilous, devilish plot whatsoever.

Mr. **Fascell.** Thank you.

Chairman **Zablocki.** Mr. Solarz.

Mr. **Solarz.** Thank you very much, Mr. Chairman. Mr. Chairman, it is always good for me to have a chance to exchange views with my counterpart sitting at the other side of the table.

Mr. Secretary, I understand that you were recently awarded membership in a rather exclusive organization, the membership of which was limited to the number of fingers on one hand. I simply wanted to say that I think you are inappropriately given membership in that organization. I certainly consider you a friend of Israel.

U.S. FOREIGN POLICY IN THE MIDDLE EAST

We have disagreed from time to time about our foreign policy in the Middle East, but I think it is important to take note that, unlike previous Secretaries of State, during whose administrations we were confronted with reassessments or with Rogers plans or with other diplomatic mechanisms which many of us felt were not to Israel's advantage, there haven't been any reassessments I know of during your administration.

You know, I am sure, how much respect and affection I have for you. But it seems to me, Mr. Secretary, getting to the subject in question, that whatever one may think of Israel's settlement policy, that at a time when the Soviet Union is on the march in Afghanistan, at a time when American diplomats are being held hostage in Teheran, that it makes no sense to join in the condemnation of what is after all our only reliable democratic ally in the Middle East.

It seems to me that instead of voting for resolutions calling upon Israel to dismantle its existing settlements in the West Bank and Gaza, it would have been more appropriate for us to praise Israel for the enormous territorial and economic sacrifices it has already made on behalf of peace.

CRITERIA FOR DECIDING TO VOTE OR NOT VOTE FOR A RESOLUTION

Now, I would like to ask you, Mr. Secretary, how we go about determining when there are references in a resolution at the United Nations to which we object, whether we abstain, vote against it or simply issue a disclaimer, to the effect that we don't support that particular provision. Obviously, there must be many occasions when there are provisions we don't agree with. How do we decide in each instance whether to vote for the resolution or issue a disclaimer or to vote against it or abstain?

Secretary VANCE. We usually get a recommendation from the Permanent Representative as to his views. It is then discussed with the Secretary of State, if it is on a major matter, and if necessary, it is taken to the President.

Mr. SOLARZ. I am really asking, Mr. Secretary, about the criteria. In other words, when a resolution has provisions which really are fundamentally unacceptable to us——

Secretary VANCE. There are two aspects to it. Those that are matters of substance and those that deal with matters of tactics, and so one has to determine which of those two categories you are dealing with.

Mr. SOLARZ. If I voted for a bill here, which provided, among other things, for the elimination of social security benefits, I think it would be small comfort to my elderly constitutents if I told them not to worry, I had issued a statement in the Congressional Record disassociating myself from the bill.

Secretary VANCE. I think I can answer your question now that I understand what you are talking about.

If the main thrust of a resolution is in accordance with our policy, but there may be a provision in it with which we do not agree, we have, and I am sure we will in the future, often voted for such a resolution with a disclaimer with respect to the minor provision that we didn't agree with.

Mr. **Solarz**. You indicated in both 1978 and 1979 we voted for General Assembly resolutions which contained references to the West Bank and Gaza as Palestinian and Arab lands.

I understand that on both of those occasions our representative at the U.N. issued a disclaimer indicating with respect to those portions of the resolution we did not accept that characterization and did not consider it helpful. Is that the case?

Secretary **Vance**. I would have to check the record on that.

Mr. **Solarz**. I am told that we did. I would appreciate it if your advisers could inform you, because my next question——

Secretary **Vance**. My recollection is—I have to check it—we stated at that time that we did not consider that this in any way prejudiced the question of sovereignty, the sovereignty issue, if you want to call it that. That is my recollection. I will have to check it.

Mr. **Solarz**. But that statement was issued in the form of a disclaimer. My question is why then, given the incorporation of the phrase "Palestinian and other Arab lands" in this resolution, our representative wasn't similarly instructed to issue a disclaimer to that part of the resolution as well?

Secretary **Vance**. I will have to check the record to be sure. Let me make the assumption you are correct in what you say on that. This kind of language has just gotten to be, in effect, sort of boilerplate at this point, to have that kind of phraseology.

ISRAELI CUSTODY OF THE HOLY PLACES

Mr. **Solarz**. Mr. Secretary, one of the things that troubles some of us about this resolution is its patently one-sided character. How would you characterize Israel's custody of the holy places since 1967, particularly, in terms of the extent to which they have provided free access to those shrines to the people of all religions?

Secretary **Vance**. I feel that they have acted with great sensitivity and care in that regard and that is the reason that we felt so strongly about paragraph 7 in the original draft, because there was an implication in that paragraph that they had not. The implication was they had been discriminatory and had not treated the holy places in a fair and proper fashion. That is why we were so sensitive, as were the Israelis, to that particular paragraph.

Mr. **Solarz**. Would it have made any sense to seek at the conclusion of such a resolution a paragraph in effect taking note of the way in which Israel has taken care of the holy places, as a way of introducing some kind of balance into the resolution?

Secretary **Vance**. In theory I would have no problem with anything like that.

JORDANIAN CUSTODY OF THE HOLY PLACES

Mr. **Solarz**. Finally, Mr. Secretary, how would you characterize the way in which Jordan, which previously had custody of the holy places, conducted itself between 1949 and 1967 in terms of the way in which it handled the custody of the holy places, most particularly, in terms of permitting access by people of all religions?

Secretary **Vance**. The actions that were taken during that period with respect to some of the cemeteries were totally unacceptable. I have seen the results of that myself.

Chairman **Zablocki**. Time of the gentleman has expired.

Mr. Bowen.

Mr. **Bowen**. Thank you, Mr. Chairman.

I have a great deal of respect for my good friend and gentlelady from New York, my congressional classmate. In fact, she was kind enough the other day to give me a ride from the New York airport to the U.N. where I was pursuing my congressional duties at the Law of the Sea Conference.

Since one of the purposes of this hearing is to consider the resolution of inquiry, I would like to state for the record that, if asked to vote on it, I would have to vote against it.

REFERENCE TO PHRASE "INCLUDING JERUSALEM"

I agree with the Secretary's position. I do not think it would be in the best interests of the formulation of sound foreign policy for every oral and written communication within the executive branch to be subject to public scrutiny, and I understand the position in this regard.

By the way, let me say my good friend, the gentlelady, would make a very fine Senator from New York. In regard to the resolution, I think we have established rather clearly the use of the phrase "including Jerusalem"doesn't really add anything. In fact, the only use of the word Jerusalem in any context other than in the phrase "including Jerusalem," is in a reference to the holy places, and one which I think is not regarded as controversial.

So I think we have established—Mr. Secretary, I presume you would agree—that the phrase "including Jerusalem" does not add anything to what has been said in terms of occupied Arab territories, that they do include the West Bank, Gaza, and Jerusalem. They could have been enumerated, they were not.

So it strikes me as not unreasonable that you, and the President, for that matter, would conclude that simple references to Jerusalem did not add anything to the resolution or take anything from it. It might have been regarded as irritating to have Jerusalem mentioned specifically, but I don't know that it added anything to the resolution, and for that reason, I am a little confused as to why this is regarded as the real source of trouble in the resolution, since we agree, I think, that nothing is added by including references to Jerusalem.

Now, it is my presumption that the Government of Israel would probably have been exceedingly unhappy about the resolution even if the references to Jerusalem were not there, and certainly if I were the Government of Israel, I would take that point of view as well.

In any event, just looking as logically as I can, I don't think anything is added by the use of these references to Jerusalem, except possibly a political irritant.

VIOLATION OF INTERNATIONAL LAW

It seems to me, based on your previous statement, that this and a number of preceding administrations have concluded that the presence of Israel in these occupied territories constitutes in several instances violations of international law, though there may be some dissent in that regard. It does not again seem to me illogical that you would conclude that if in fact the presence of country A within the borders of country or territory B constitutes some kind of violation of international law, that it is not inconsistent, shall we say, to call upon country A to withdraw from that territory.

It doesn't strike me as being illogical that you would support that particular kind of resolution. Whether or not that represents any departure from positions previously taken by the Government is another matter.

Could you comment, Mr. Secretary, upon the illogical in whether or not supporting the resolution would be consistent as a conclusion from your previous analysis that certain violations of international law had taken place, based on counsel within the State Department?

Secretary VANCE. Well, it is our clear position that under international law the establishment of a settlement in occupied territory, wherever that occupied territory may be, is a violation of international law. So that is point No. 1.

The second point I think you were making is that there is nothing new about the phrase "including Jerusalem" as tacked on after "Palestinian and other Arab territories, including Jerusalem." Those have in effect become boilerplate phrases that are used in U.N. resolutions.

The President did feel, as I indicated, however, that in the present phase of the autonomy negotiations it would not be helpful to raise the issue of Jerusalem in a U.N. resolution concerning settlements and——

SETTLEMENT NEGOTIATIONS

Mr. BOWEN. Let's remove the issue of Jerusalem, and if you can, respond to the question about whether, international lawyers normally conclude that the act of a particular country is a violation of international law, then it is not illogical to agree with the particular position that that country's forces should be withdrawn or other action should be rescinded?

Secretary VANCE. It is our position that the ultimate question with respect to settlements has to be resolved through negotiations. That has been our position and remains our position. It will have to be dealt with in two ways here. In the autonomy talks there are going to have to be certain issues relating to settlements negotiated among the parties.

For example, what is the relationship of the self-governing authority going to be to the settlement during the transitional period? What will be the relationship with respect to the security of the settlements during the transitional period?

Mr. BOWEN. These are primarily political judgments in a sense, whether or not the resolution does or does not serve a useful purpose in arriving at a settlement or whether the wording is irritating or helpful. This is more what we are discussing and I gather you tend to agree with the point I made that if the analysis is that a particular action is a violation of international law, I think you agreed that certain of these actions were—then it is not illogical, it is not inconsistent for the United States or others in this case—in this case it happened to be a unanimous vote—to conclude that those actions should be rescinded or corrected?

Secretary **Vance**. We wanted to be very careful on the question of withdrawal that we did not go along with withdrawal, because we do not consider the withdrawal issue to be a proper one or a practical one, and that is for negotiation, that is where that has to be dealt with.

Mr. **Bowen**. Thank you, Mr. Secretary. I think your observation was very pertinent, to No. 9 regarding the ultimate judgment on this resolution as being covered by the phrase "to consider the report and full implementation of the present resolution," so whatever conclusions one might derive that are to be covered by that term, "to consider" which provides the leeway, the flexibility——

Secretary **Vance**. Plus the statement made by the Permanent Representative that we considered the entire resolution to be a recommendatory resolution and not a binding resolution.

Mr. **Bowen**. Thank you, Mr. Chairman.

Chairman **Zablocki**. The Chair would like to state in discussing the length of the meeting with the Secretary of State, I ventured to say that we would be finished by 12:30. The Secretary has an appointment, so we have 5 minutes. I would hope that the members that have questions, the Chair would recognize them for one question and the members present have all had an opportunity under the 5-minute rule. We will now go to one question per member. Who wants to ask a question? Then if there are some questions that they would like to present to the Secretary for answers in the record, I hope our members would agree to that.

Mr. Bingham.

Mr. **Bingham**. Thank you, Mr. Chairman.

PARAGRAPH 1—REPORT

I just would like to ask the Secretary about paragraph 1 in the resolution. It states:

> Commends the work done by the commission established in preparing the report contained in document * * *.

What is the nature of the report and what were we doing, what is the significance of the fact that we voted, apparently we are in agreement to commend the work done by that Commission?

Secretary **Vance**. As I indicated earlier, it was a serious piece of work done by the Commission members. I think you know who they are. They are Portugal, Bolivia, and Zambia. They did a serious piece of work and the report consists of a report plus recommendations and conclusions.

Mr. **Bingham**. Thank you.

Chairman **Zablocki**. Mr. Findley.

REFERENCES TO JERUSALEM

Mr. **Findley**. Mr. Secretary, the discussion that Mr. Bowen had with you now as well as my earlier comments indicated that the words "including Jerusalem" don't add to the effect of the term "occupied territory." That being the case, it appears that the administration has taken a lot of heat and that it has appeared to bow under pressure for language that is superfluous—the language being "including Jerusalem." I know that "dismantlement of settlements" is another issue. But the administration, in focusing on the term "Jerusalem" appears to be repudiating superfluous words, rather than the meaning of the resolution.

Would you comment on this and hopefully clarify it?

Secretary VANCE. I will just repeat what I said before. The references to Jerusalem have to be seen in the context of the present phase of the autonomy negotiations and how repeated references to Jerusalem might affect the tone of those negotiations.

Chairman ZABLOCKI. Mrs. Fenwick.

Mrs. FENWICK. Thank you, Mr. Chairman.

EFFECTS OF U.S. ACTIONS

I have just one last comment, Mr. Secretary. The strange thing here is that we went along and voted for a resolution with all these points which have been enumerated by various members here this morning, and which were so clearly, to the least informed, going to be dynamite on both sides of the question, Arabs and Israelis. It is as if this has all been done by people who hadn't read it, who were unaware of the facts of what this would be. That is what is disquieting to the public—there is some unease.

Is it possible that we move in this way without recognizing the effect of our actions?

Secretary VANCE. No, I think we clearly recognized the effect of the action. We really clearly recognized that in voting in favor of the resolution there would be strong opposition from many people; we were totally aware of that fact.

Mrs. FENWICK. Then equally strong opposition in claiming it was an error. It seems to me——

Secretary VANCE. If an error was made, it seems to me you have got to admit the error. The worst thing to do would be to admit to the error.

Mrs. FENWICK. You can't have it both ways. If you did the first knowing full well there were implications, it seems to me there was no reason to say it is an error.

Thank you, Mr. Chairman.

Chairman ZABLOCKI. Ms. Holtzman.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

SHIFT IN U.S. ATTITUDES

I neglected earlier to express my own personal respect for the Secretary of State. I agree with the gentleman from New York's characterization of your responsibility and the responsibility of other members of the administration with respect to the vote on Israel. However, I am very disturbed because our role for this resolution represents a shift in terms of what we have been willing to say publicly.

For example, section 8 of the resolution refers to the reported serious depletion of natural resources, including water, despite the fact the State Department itself did a review of the use of water resources in the West Bank, and found there was no violation and that Israel's policy was appropriate.

I am concerned, too, about the call for the dismantling of settlements, which has not been made before, and about voting for boilerplate. There is a lot of boilerplate in the U.N. and elsewhere, that is totally objectionable. For example, the resolution equating Zionism with racism. If you say it long enough does that mean we are going to repeat it, too? I hope that that statement is not going to become a part of U.S. policy.

Secretary VANCE. You know how strongly I feel about the resolution that was passed on equating Zionism with racism. There should be no doubt in anybody's mind about that.

I would make one point. You referred to paragraph 8. What it says is to investigate the reported violation. It hasn't accepted the fact there has been a violation. It just says to investigate.

Ms. HOLTZMAN. Thank you.

Chairman ZABLOCKI. The gentleman from New York, Mr. Solarz.

Mr. SOLARZ. Thank you very much, Mr. Chairman.

Mr. Secretary, I just wanted to offer one final observation. After listening to all of the testimony here and looking into this question in great detail in the last few weeks, I feel a little bit like Clemenceau once felt about another matter in a somewhat different connection when he said it was worse than a crime, it was a stupidity.

I think at the very least there was some incredibly slipshod staff work here and I would very much hope that we can tighten up on procedures to make sure that these unfortunate things don't happen again. I have the feeling that as a result of what has happened, such a review is undoubtedly being commenced. I heard the President say to a group of New Yorkers at the White House last week, from now on he was going to make it a point to personally read all these resolutions, and I do hope that we can avoid these problems in the future?

U.S. POLICY

Secretary VANCE. I would like to bring everybody back at the end, if I could, to what I think is the most important issue, and that is one made by the chairman at the outset, and that is what is our policy?

I tried to outline that policy to you, that it is based upon the Camp David accords, that we intend to intensify our efforts and work with the others to try and bring that to a fruitful conclusion and ultimately to a comprehensive peace. That is what we should be keeping our eye on.

Chairman ZABLOCKI. The Chair would like to make a final statement, that is, to thank the Secretary for giving so much of his time and answering the questions directly to the extent that he possibly could.

We, as many of my colleagues have in their statements expressed their deep respect and great love for the Secretary and we all wish him well. You have earned a three-martini lunch, but I am sure you are not even going to have one because knowing you, right after leaving from here you will be doing your work and meeting your next commitment.

Thank you very much, Mr. Secretary.

Secretary **Vance**. Thank you, Mr. Chairman.

Chairman **Zablocki**. The committee stands adjourned until 9:30 Tuesday morning, for the continuation of the markup on the committee print for economic and security assistance.

[Whereupon, at 12:35 p.m., the committee was adjourned, to reconvene on Tuesday, March 25, 1980, at 9:30 a.m.]

RESOLUTION OF INQUIRY CONCERNING THE U.S. VOTE IN THE U.N. SECURITY COUNCIL ON ISRAELI SETTLEMENTS IN THE OCCUPIED TERRITORIES

WEDNESDAY, MARCH 26, 1980

House of Representatives,
Committee on Foreign Affairs,
Washington, D.C.

The committee convened at 10:03 a.m., in room 2172, Rayburn House Office Building, Hon. Clement J. Zablocki (chairman) presiding.

[Prior to consideration of House Resolution 598, the committee met on other matters.]

Chairman Zablocki. The Chair would like at this time for the committee to act on House Resolution 598. If any of the staff of Members of Congress who are members of this committee know where their members are, please get them here. We need a quorum of 19.

The committee will need a quorum for the purpose of reporting out a clean bill so I hope the members will be here promptly so that we can dispose of the matter. It will be a matter of one vote.

Now the other legislation would be in the meantime scheduled that I can foresee or don't foresee.

[Pause].

Chairman Zablocki. The Chair will proceed.

House Resolution 598 requesting certain information from the President regarding the U.S. vote on the Security Council resolution concerning Israeli settlements in occupied territories is now before the committee. As the members will recall, the Department of State responded on behalf of the President to the Chair's request for the Executive's comments on the resolution and that was Assistant Secretary of State Brian Atwood enunciated the administration's policy on the settlement issue as well as the Middle East process in general and provided a set of documents relating to U.S. policy on these and related issues.

Upon receipt of the executive branch response the committee heard the testimony of the three cosponsors of the resolution. Subsequently the committee heard the testimony of Secretary of State Vance. In the opinion of the Chair, the information provided by the executive branch in written form and in Secretary Vance's testimony and answers to members' questions gave an adequate explanation of administration with respect to the matters at issue and to the circumstances leading up to the United Nations Security Council vote and afterward. Therefore, unless the members desire any further discussion on the resolution, the Chair would entertain a motion that the Chair take the necessary steps to discharge the committee from further consideration on House Resolution 598 and move to table the resolution on the House floor.

Does the gentleman from Ohio desire to be heard?

Mr. PEASE. Do you want a motion?

I so move, Mr. Chairman, if you need a motion.

Chairman ZABLOCKI. It has been moved that House Resolution 598 be reported out from the committee, that the Chair take the necessary steps to discharge the committee from further consideration of House Resolution 598 and move to table the resolution on the House floor.

All those in favor signify by saying "aye."

Opposed, "no."

The "ayes" have it. The Chair will follow the instructions and the vote of the committee.

[Whereupon, at 10:55 a.m., the committee adjourned.]

APPENDIX

LETTER TO CHAIRMAN ZABLOCKI FROM HON. J. BRIAN ATWOOD, ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS, DEPARTMENT OF STATE, RESPONDING TO REQUEST FOR COMMENTS ON U.S. VOTE IN THE U.N. SECURITY COUNCIL TOGETHER WITH ATTACHED DOCUMENTATION

ASSISTANT SECRETARY OF STATE,
Washington, D.C.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have been asked to reply to your letter of March 6 to the President, requesting the Administration's comments on H. Res. 598, regarding the decision of the United States to vote for U.N. Security council Resolution 465. As you know, this resolution, adopted on March 1, 1980, deals with the question of Israeli settlements in territories occupied by Israel in 1967.

It is the Administration's intent to cooperate with the Committee in a manner consistent with the constitutional rights and responsibilities of the Legislative and Executive Branches. H. Res. 598 requests certain information which falls into the category of advice provided to the President and discussions between the President and his senior advisers during the decisionmaking process. Much of this advice and information was exchanged orally at the highest levels of government. All of it relates to the conduct of sensitive consultations in the conduct of our foreign relations, a field entitled to the highest category of Executive privilege.

While we cannot provide information of this type, we wish to be as responsive as possible to the concerns which underlie H. Res. 598. In this regard, Secretary Vance has asked me to convey his willingness to meet with you and other interested Members to discuss our policies with respect to the issues covered by the Security Council Resolution.

I am enclosing a set of documents which set forth the policies of the United States on the settlements questions, and which respond to the request contained in the preamble of H. Res. 598 for information and facts available to the Administration prior to the vote in the Security Council. These key documents include an early draft text of the U.N. Resolution; the revised text on which the final vote was cast; the exchange of letters on the question of Jerusalem between President Sadat, Prime Minister Begin, and President Carter on September 17, 1979; a State Department legal opinion on the settlements dated April 21, 1978; and several pertinent United Nations Security Council documents and U.S. statements.

As you know, President Carter issued a statement on March 4, 1980, making it clear that the vote of the United States in the Security Council "does not represent a change in our position regarding the Israeli settlements in the occupied areas or the status of Jerusalem." In addition, this statement said:

"While our opposition to the establishment of the Israeli settlements is longstanding and well known, we made strenuous efforts to eliminate the language with reference to the dismantling of settlements in the resolution. This call for dismantling was neither proper not practical. We believe that the future disposition of existing settlements must be determined during the current autonomy negotiations.

As to Jerusalem, we strongly believe that Jerusalem should be undivided with free access to the holy places for all faiths, and that its status should be determined in the negotiations for a comprehensive peace settlement.

The U.S. vote in the U.N. was approved with the understanding that all references to Jerusalem would be deleted. The failure to communicate this clearly resulted in a vote in favor of the resolution rather than abstention.

I want to reiterate in the most unequivocal of terms that in the autonomy negotiations and in other fora, the United States will neither support nor accept any position that might jeopardize Israel's vital security interests. Our commitment to Israel's security and well-being remains unqualified and unshakable."

This statement reflects the overriding importance the United States attaches to the success of the Camp David process and the autonomy negotiations now under way. These negotiations are now at a particularly delicate stage. Ambassador Linowitz has substantially accelerated the pace of these talks; the parties are now addressing the central issues. I know that you share our concern that a public debate on United States policies as to these issues could lead to a sharp reiteration of the policy differences which separate the parties and could magnify anxieties on both sides. This concern has been expressed to us by representatives of the parties themselves. It is our fervent desire that a public inquiry not divert us from our overriding objective, the search for peace in the Middle East.

For these reasons, the President has emphasized in his March 4 statement that our vote at the Security Council did not represent a change in existing U.S. policy—not on settlements, not on Jerusalem, not on our role in the peace process, and certainly not in our support for the security and welfare of the state of Israel. The Administration continues to be guided by the principles that led Israel and Egypt to peace under the Camp David accords. It is vital that we now turn our full and undivided attention to the autonomy negotiations. We feel strongly that this unfortunate episode should not be allowed to undermine these negotiations. The Camp David process offers the best available opportunity for Palestinians living in the West Bank or Gaza to achieve autonomy within the context of assured Israeli security. This is the first step toward a just, lasting and comprehensive peace settlement. The Administration does not believe that this process would be served by the adoption of House Resolution 598.

Please advise me if you and other interested Members wish to discuss these issues more fully. The Department wishes to cooperate with the Committee as it seeks to fulfull its responsibilities to the House of Representatives.

Sincerely,

J. Brian Atwood,
Assistant Secretary for Congressional Relations.

Enclosure. Set of Documents on Settlements Questions.

Index—Key Documents

I. Early Draft Text of UNSC Resolution 465
II. Exchange of Letters on Jerusalem among President Sadat, Prime Minister Begin, and President Carter, September 17, 1980
III. State Department legal opinion on settlements, April 21, 1978.
IV. United Nations Security Council documents:
    1. Resolution 465, March 1, 1980
    2. U.S. Statement
    3. Resolution 452, July 20, 1979
    4. U.S. Statement
    5. Resolution 446, March 22, 1979
    6. U.S. Statement
    7. SC Consensus Statement, November 11, 1976
    8. U.S. Statement
    9. SC Majority Statement, May 26, 1976
    10. U.S. Statement of Disassociation
    11. U.S. Statement, March 23, 1976
    12. Draft Resolution of March 24, 1976 (U.S. veto)
    13. U.S. Statement
    14. Draft Resolution of January 23, 1976 (U.S. veto)
    15. U.S. Statement
    16. Resolution 298, September 25, 1971
    17. U.S. Statement
    18. Resolution 271, September 15, 1969
    19. U.S. Statement by Ambassador Charles W. Yost, of July 1, 1969
    20. Resolution 267, July 19, 1969
    21. Resolution 252, May 21, 1968
    22. U.S. Statement of May 21, 1968
    23. Resolution 237, June 14, 1967
    24. Statements by Ambassador Arthur J. Goldberg, July 4 and 14, 1967
V. United Nations General Assembly documents:

1. Resolution 34/90, January 21, 1980
2. Summary record of 46th meeting, Special Political Committee
3. Resolution 33/113, December 18, 1978
4. U.S. Statement
5. Resolution 32/91, December 13, 1977
6. U.S. Statement
7. Resolution 32/5, October 28, 1977
8. U.S. Statement
9. Resolution 31/106, December 16, 1976
10. U.S. Statement
11. Resolution 3525 (XXX), December 15, 1975
12. Resolution 3240 (XXIX), November 29, 1974
13. U.S. Statement of July 3, 1967
14. Resolution 3092 (XXIII), December 7, 1973
15. Resolutions 2253 and 2254 of July 14, 1967

I. Early draft text of UNSC Resolution 465

EARLY DRAFT UNSC RESOLUTION CONTAINING STRICKEN PARAGRAPH 7

The Security Council,

Taking note of the reports of the Commission of the Security Council established by Resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in documents S/13450 and Corr. 1 and S/13679;

Taking note also of letters from the Permanent Representative of Jordan (S/13801) and the Permanent Representative of Morocco, Chairman of the Islamic Group (S/13802);

Strongly deploring the refusal by Israel to cooperate with the Commission and regretting its formal rejection of Resolutions 446 (1979) and 452 (1979);

Affirming once more that the Fourth Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem;

Deploring the decision of the Government of Israel to officially support Israeli settlement in the Palestinian and other Arab territories occupied since 1967;

Deeply concerned over the practices of the Israeli authorities in implementing this settlement policy in the occupied Arab territories, including Jerusalem, and its consequences on the local Arab and Palestinian population;

Taking into account the need to consider measures for the impartial protection of private and public land and property, and water resources;

Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the holy places in the city;

Drawing attention to the grave consequences which the settlement policy is bound to have on any attempt to reach a comprehensive, just and lasting peace in the Middle East;

Recalling Security Council Resolutions, specifically Resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969 and 298 (1971) of 25 September 1971, as well as the consensus statement made by the President of the Security Council on 11 November 1976.

Having invited Mr. Fahd Qawasmeh, Mayor of Al-Khal Il (Hebron), in the occupied territory, to supply it with information pursuant to Rule 39 of the provisional rules of procedure,

1. Commends the work done by the Commission in preparing the report contained in Document S/13679;

2. Accepts the conclusions and recommendations contained in the above-mentioned report of the Commission;

3. Calls upon all parties, particularly the Government of Israel, to cooperate with the Commission;

4. Strongly deplores the decision of Israel to prohibit the free travel of Mayor Fahd Qawasmeh in order to appear before the Security Council, and requests Israel to permit his free travel to the United Nations Headquarters for that purpose;

5. Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitutes a flagrant violation of the Fourth Geneva Convention relative to the protection of civilian persons in time of war and also constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

6. Strongly deplores the continuation and persistence of Israel to pursue these policies and practices and calls upon the Government and people of Israel to rescind these measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;

* 7. Calls upon Israel to abide by the pertinent Security Council Resolutions concerning Jerusalem, in particular Resolution 252 (1968) and to respect and guarantee religious freedoms and practices in Jerusalem and other holy places in the occupied Arab territories as well as the integrity of places of religious worship;

8. Calls upon all states not to provide Israel with any assistance to be used in connection with settlements in the occupied territories;

9. Requests the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation; and to keep under close scrutiny the implementation of the present Resolution;

10. Requests the Commission to report to the Security Council before 1 September 1980, and decides to convene at the earliest possible date thereafter in order to consider the report and to ensure the full implementation of this Resolution in the event of non-compliance.

II. Exchange of letters on Jerusalem among President Sadat, Prime Minister Begin, and President Carter, September 17, 1980

[JERUSALEM]

SEPTEMBER 17, 1978

DEAR MR. PRESIDENT,

I am writing you to reaffirm the position of the Arab Republic of Egypt with respect to Jerusalem:

1. Arab Jerusalem is an integral part of the West Bank. Legal and historical Arab rights in the City must be respected and restored.

2. Arab Jerusalem should be under Arab sovereignty.

3. The Palestinian inhabitants of Arab Jerusalem are entitled to exercise their legitimate national rights, being part of the Palestinian People in the West Bank.

4. Relevant Security Council Resolutions, particularly Resolutions 242 and 267, must be applied with regard to Jerusalem. All the measures taken by Israel to alter the status of the City are null and void and should be rescinded.

5. All peoples must have free access to the City and enjoy the free exercise of worship and the right to visit and transit to the holy places without distinction or discrimination.

6. The holy places of each faith may be placed under the administration and control of their representatives.

7. Essential functions in the City should be undivided and a joint municipal council composed of an equal number of Arab and Israeli members can supervise the carrying out of these functions. In this way, the City shall be undivided.

Sincerely,
(signed)
Mohamed Anwar El Sadat

His Excellency JIMMY CARTER
President of the United States

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17 SEPTEMBER 1978

DEAR MR. PRESIDENT,

I have the honor to inform you, Mr. President, that on 28 June 1967—Israel's Parliament (The Knesset) promulgated and adopted a law to the effect: "the Government is empowered by a decree to apply the law, the jurisdiction and administration of the State to any part of Eretz Israel (land of Israel—Palestine), as stated in that decree."

On the basis of this law, the Government of Israel decreed in July 1967 that Jerusalem is one city indivisible, the Capital of the State of Israel.

Sincerely,
(signed)
Menachem Begin

The President
Camp David
Thurmont, Maryland

SEPTEMBER 22, 1978

DEAR MR. PRESIDENT:

I have received your letter of September 17, 1978, setting forth the Egyptian position on Jerusalem. I am transmitting a copy of that letter to Prime Minister Begin for his information.

The position of the United States on Jerusalem remains as stated by Ambassador Goldberg in the United Nations General Assembly on July 14, 1967,[8] and subsequently by Ambassador Yost in the United Nations Security Council on July 1, 1969.[9]

Sincerely,
(signed)
Jimmy Carter

His Excellency
ANWAR AL-SADAT
President of the Arab
Republic of Egypt
Cairo

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[8] For text, see Department of State *Bulletin* of July 31, 1967, p. 148.

[9] For text, see Department of State *Bulletin* of July 28, 1969, p. 76. Footnotes added by the Department of State.

III. State Department legal opinion on settlements, April 21, 1978

THE LEGAL ADVISER
DEPARTMENT OF STATE
WASHINGTON

Dear Chairmen Fraser and Hamilton:

Secretary Vance has asked me to reply to your request for a statement of legal considerations underlying the United States view that the establishment of the Israeli civilian settlements in the territories occupied by Israel is inconsistent with international law. Accordingly, I am providing the following in response to that request:

The Territories Involved

The Sinai Peninsula, Gaza, the West Bank and the Golan Heights were ruled by the Ottoman Empire before World War I. Following World War I, Sinai was part of Egypt; the Gaza Strip and the West Bank (as well as the area east of the Jordan) were part of the British Mandate for Palestine; and the Golan Heights were part of the French Mandate for Syria. Syria and Jordan later became independent. The West Bank and Gaza continued under British Mandate until May, 1948.

The Honorable
  Donald M. Fraser, Chairman
    Subcommittee on International
      Organizations,
        Committee on International Relations
          House of Representatives.

The Honorable
  Lee H. Hamilton, Chairman
    Subcommittee on Europe and the
      Middle East,
        Committee on International Relations,
          House of Representatives.

In 1947, the United Nations recommended a plan of partition, never effectuated, that allocated some territory to a Jewish state and other territory (including the West Bank and Gaza) to an Arab state. On May 14, 1948, immediately prior to British termination of the Mandate, a provisional government of Israel proclaimed the establishment of a Jewish state in the areas allocated to it under the partition plan. The Arab League rejected partition and commenced hostilities. When the hostilities ceased, Egypt occupied Gaza, and Jordan occupied the West Bank. These territorial lines of demarcation were incorporated, with minor changes, in the armistice agreements concluded in 1949. The armistice agreements expressly denied political significance to the new lines, but they were de facto boundaries until June, 1967.

During the June, 1967 war, Israeli forces occupied Gaza, the Sinai Peninsula, the West Bank and the Golan Heights. Egypt regained some territory in Sinai during the October, 1973 war and in subsequent disengagement agreements, but Israeli control of the other occupied territories was not affected, except for minor changes on the Golan Heights through a disengagement agreement with Syria.

The Settlements

Some seventy-five Israeli settlements have been established in the above territories (excluding military camps on the West Bank into which small groups of civilians have recently moved). Israel established its first settlements in the occupied territories in 1967 as para-military "nahals". A number of "nahals" have become civilian settlements as they have become economically viable.

Israel began establishing civilian settlements in 1968. Civilian settlements are supported by the government, and also by non-governmental settlement movements affiliated in most cases with political parties. Most are reportedly built on public lands outside the boundaries of any municipality, but some are built on private or municipal lands expropriated for the purpose.

Legal Considerations

1. As noted above, Israeli armed forces entered Gaza, the West Bank, Sinai and the Golan Heights in June, 1967, in the course of an armed conflict. Those areas had not previously been part of Israel's sovereign territory nor otherwise under its administration. By reason of such entry of its armed forces, Israel established control and began to exercise authority over these territories; and under international law, Israel thus became a belligerent occupant of these territories.

Territory coming under the control of a belligerent occupant does not thereby become its sovereign territory. International law confers upon the occupying state authority to undertake interim military administration over the territory and its inhabitants; that authority is not unlimited. The governing rules are designed to permit pursuit of its military needs by the occupying power, to protect the security of the occupying forces, to provide for orderly government, to protect the rights and interests of the inhabitants and to reserve questions of territorial change and sovereignty to a later stage when the war is ended. See L. Oppenheim, 2 International Law 432-438 (7th ed., H. Lauterpacht ed., 1952); E. Feilchenfeld, The International Economic Law of Belligerent Occupation 4-5, 11-12, 15-17, 87 (1942); M. McDougal & F. Feliciano, Law and Minimum World Public Order 734-46, 751-7 (1961); Regulations annexed to the 1907 Hague Convention on the Laws and Customs of War on Land, Articles 42-56, 1 Bevans 643; Department of the Army, The Law of Land Warfare, Chapter 6 (1956) (FM-27-10).

> In positive terms, and broadly stated, the Occupant's powers are (1) to continue orderly government, (2) to exercise control over and utilise the resources of the country so far as necessary for that purpose and to meet his own military needs. He may thus, under the latter head, apply its resources to his own military objects, claim services from the inhabitants, use, requisition, seize or destroy their property, within the limits of what is required for the army of occupation and the needs of the local population.

> But beyond the limits of quality, quantum and duration thus implied, the Occupant's acts will not have legal effect, although they may in fact be unchallengeable until the territory is liberated. He is not entitled to treat the country as his own territory or its inhabitants as his own subjects,....and over a wide range of public property, he can confer rights only as against himself, and within his own limited period of de facto rule. J. Stone, Legal Controls of International Conflict, 697 (1959).

On the basis of the available information, the civilian settlements in the territories occupied by Israel do not appear to be consistent with these limits on Israel's authority as belligerent occupant in that they do not seem intended to be of limited duration or established to provide orderly government of the territories and, though some may serve incidental security purposes, they do not appear to be required to meet military needs during the occupation.

2. Article 49 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, August 12, 1949, 6 UST 3516, provides, in paragraph 6:

> The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Paragraph 6 appears to apply by its terms to any transfer by an occupying power of parts of its civilian population, whatever the objective and whether involuntary or voluntary.* It seems clearly to reach such involvements of the occupying power as determining the location of settlements, making land available and financing of settlements, as well as other kinds of assistance and participation in their creation. And the paragraph appears applicable whether or not harm is done by a particular transfer. The language and history of the provision lead to the conclusion that transfers of a belligerent occupant's civilian population into occupied territory are broadly proscribed as beyond the scope of interim military administration.

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*Paragraph 1 of Article 49, prohibits "forcible" transfers of protected persons out of occupied territory; paragraph 6 is not so limited.

The view has been advanced that a transfer is prohibited under paragraph 6 only to the extent that it involves the displacement of the local population. Although one respected authority, Lauterpacht, evidently took this view, it is otherwise unsupported in the literature, in the rules of international law or in the language and negotiating history of the Convention, and it clearly seems not correct. Displacement of protected persons is dealt with separately in the Convention and paragraph 6 would be redundant if limited to cases of displacement. Another view of paragraph 6 is that it is directed against mass population transfers such as occurred in World War II for political, racial or colonization ends; but there is no apparent support or reason for limiting its application to such cases.

The Israeli civilian settlements thus appear to constitute a "transfer of parts of its own civilian population into the territory it occupies" within the scope of paragraph 6.

3. Under Article 6 of the Fourth Geneva Convention, paragraph 6 of Article 49 would cease to be applicable to Israel in the territories occupied by it if and when it discontinues the exercise of governmental functions in those territories. The laws of belligerent occupation generally would continue to apply with respect to particular occupied territory until Israel leaves it or the war ends between Israel and its neighbors concerned with the particular territory. The war can end in many ways, including by express agreement or by de facto acceptance of the status quo by the belligerents.

4. It has been suggested that the principles of belligerent occupation, including Article 49, paragraph 6, of the Fourth Geneva Convention, may not apply in the

West Bank and Gaza because Jordan and Egypt were not the respective legitimate sovereigns of these territories. However, those principles appear applicable whether or not Jordan and Egypt possessed legitimate sovereign rights in respect of those territories. Protecting the reversionary interest of an ousted sovereign is not their sole or essential purpose; the paramount purposes are protecting the civilian population of an occupied territory and reserving permanent territorial changes, if any, until settlement of the conflict. The Fourth Geneva Convention, to which Israel, Egypt and Jordan are parties, binds signatories with respect to their territories and the territory of other contracting parties, and "in all circumstances" (Article 1), in "all cases" of armed conflict among them (Article 2) and with respect to all persons who "in any manner whatsoever" find themselves under the control of a party of which they are not nationals (Article 4).

Conclusion

While Israel may undertake, in the occupied territories, actions necessary to meet its military needs and to provide for orderly government during the occupation, for the reasons indicated above the establishment of the civilian settlements in those territories is inconsistent with international law.

Very truly yours,

Herbert J Hansell

Herbert J. Hansell

IV. United Nations Security Council documents

1. RESOLUTION 465, MARCH 1, 1980

RESOLUTION 465 (1980)

Adopted by the Security Council at its 2203rd meeting on 1 March 1980

The Security Council,

Taking note of the reports of the Commission of the Security Council established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in documents S/13450 and Corr.1 and S/13679,

Taking note also of letters from the Permanent Representative of Jordan (S/13801) and the Permanent Representative of Morocco, Chairman of the Islamic Group (S/13802),

Strongly deploring the refusal by Israel to co-operate with the Commission and regretting its formal rejection of resolutions 446 (1979) and 452 (1979),

Affirming once more that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

Deploring the decision of the Government of Israel to officially support Israeli settlement in the Palestinian and other Arab territories occupied since 1967,

Deeply concerned over the practices of the Israeli authorities in implementing the settlement policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab and Palestinian population,

Taking into account the need to consider measures for the impartial protection of private and public land and property, and water resources,

Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city,

Drawing attention to the grave consequences which the settlement policy is bound to have on any attempt to reach a comprehensive, just and lasting peace in the Middle East,

best copy available

Recalling pertinent Security Council resolutions, specifically resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969 and 298 (1971) of 25 September 1971, as well as the consensus statement made by the President of the Security Council on 11 November 1976,

Having invited Mr. Fahd Qawasmeh, Mayor of Al-Khalil (Hebron), in the occupied territory, to supply it with information pursuant to rule 39 of the provisional rules of procedure,

1. *Commends* the work done by the Commission in preparing the report contained in document S/13679;

2. *Accepts* the conclusions and recommendations contained in the above-mentioned report of the Commission;

3. *Calls upon* all parties, particularly the Government of Israel, to co-operate with the Commission;

4. *Strongly deplores* the decision of Israel to prohibit the free travel of Mayor Fahd Qawasmeh in order to appear before the Security Council, and requests Israel to permit his free travel to the United Nations Headquarters for that purpose;

5. *Determines* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

6. *Strongly deplores* the continuation and persistence of Israel in pursuing those policies and practices and calls upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;

7. *Calls upon* all States not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories;

8. *Requests* the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution;

9. *Requests* the Commission to report to the Security Council before 1 September 1980, and decides to convene at the earliest possible date thereafter in order to consider the report and the full implementation of the present resolution.

2. U.S. STATEMENT

The PRESIDENT: The result of the voting is as follows: 15 votes were cast in favour, none against, no abstentions. The draft resolution has been adopted as resolution 465 (1980).

A number of representatives have expressed the wish to be allowed to speak after the vote and I now call on them.

Mr. McHENRY (United States of America): Mr. President, I should like to take this first opportunity to congratulate you upon your assumption of your duties and express our confidence that you will perform in your present office in the same high manner in which you did so on an earlier occasion. I should also like to express our thanks to our colleague from the German Democratic Republic for the very competent way in which he performed his task in the preceding month.

As always, the Middle East is subject to many trends and influences, some of which are contradictory in nature. In the view of the United States, one of the positive trends in the area is reflected in the current series of negotiations for a comprehensive settlement which resulted from the historic breakthrough at Camp David a year and a half ago. A peace treaty has been signed and large areas of occupied Arab territory have been evacuated by Israel. The parties have taken concrete steps in the cause of peace, even in the face of issues which touch upon their most vital national interests and on which there are, particularly in Israel, sharp but honest differences of view.

As significant as these developments are, we recognize that there can be no comprehensive peace in the Middle East until the Palestinian problem in all its aspects is resolved. The ongoing negotiations on the West Bank and Gaza are, admittedly, difficult and, even if they are successful, they will constitute only a first step. But progress is being made and for the first time in 30 years the core issues are being addressed seriously and, I believe, with determination.

Everyone recognizes that the problem of Israeli settlements is one of the issues that must be dealt with. The position of the United States on the question of settlements is clear and consistent. In particular, the United States has had occasion to state its views both publicly and privately concerning the situation in Hebron.

We regard the settlements in the occupied territories as illegal under international law, and we consider them to be an obstacle to a successful outcome of the current negotiations which are aimed at a comprehensive, just and lasting peace in the Middle East.

We have supported the resolution before us. We have done so despite reservations with regard to certain of its provisions, which we consider to be recommendatory in character. We believe that the report of the Settlements Commission is a generally fair-minded and objective one. We do, however, question the recommendation in paragraph 54 of the report (S/13679) as to the best means to deal with the settlements problem in the occupied territories. I should also add that we do not read the reference in operative paragraph 5 of the resolution to changes in the institutional structure of the occupied territories as in any way prejudicing the outcome of the autonomy negotiations.

The basic framework for all our efforts, including the Camp David accords, is resolution 242 (1967), which calls for negotiations to resolve the many and difficult aspects of the Arab-Israeli conflict. Such negotiations are currently under way. One of the issues which the negotiators will have to address is the matter of existing settlements. There are a number of factors of a practical character that make impractical the call, in operative paragraph 6 of the resolution, for the dismantling of existing settlements. Some projects are not so easily dismantled; moreover, whatever the future status of the occupied territories, there will be a need for housing and there will be a need for related infrastructure for the inhabitants.

My delegation is pleased that the Council has spoken unanimously on this important issue. At the same time, we believe that we must all recognize that the solution of the problem lies ultimately in the negotiating process. For our part we are committed to the negotiations in which we are currently engaged as a full partner, and we are determined that they shall bring a comprehensive peace closer to reality. In the final analysis, all of us here will be judged by the contribution we make to that objective.

The PRESIDENT: I thank the representative of the United States for the kind words he addressed to me.

3. RESOLUTION 452, JULY 20, 1979

RESOLUTION 452 (1979)

Adopted by the Security Council at its 2159th meeting, on 20 July 1979

The Security Council,

Taking note of the report and recommendations of the Security Council Commission established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in document S/13450,

Strongly deploring the lack of co-operation of Israel with the Commission,

Considering that the policy of Israel in establishing settlements in the occupied Arab territories has no legal validity and constitutes a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Deeply concerned by the practices of the Israeli authorities in implementing that settlements policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab and Palestinian population,

Emphasizing the need for confronting the issue of the existing settlements and the need to consider measures to safeguard the impartial protection of property seized,

Bearing in mind the specific status of Jerusalem, and reconfirming pertinent Security Council resolutions concerning Jerusalem and in particular the need to protect and preserve the unique spiritual and religious dimension of the Holy Places in that city,

Drawing attention to the grave consequences which the settlements policy is bound to have on any attempt to reach a peaceful solution in the Middle East,

1. Commends the work done by the Commission in preparing the report on the establishment of Israeli settlements in the Arab territories occupied since 1967, including Jerusalem;

2. Accepts the recommendations contained in the above-mentioned report of the Commission;

3. Calls upon the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;

4. Requests the Commission, in view of the magnitude of the problem of settlements, to keep under close survey the implementation of the present resolution and to report back to the Security Council before 1 November 1979.

4. U.S. STATEMENT

UNITED STATES MISSION TO THE UNITED NATIONS

799 United Nations Plaza
New York, N.Y. 10017

PRESS RELEASE
FOR IMMEDIATE RELEASE

Press Release USUN-64(79)
July 20, 1979

Statement by Ambassador Richard W. Petree, United States Alternative Representative for Special Political Affairs, on occupied territories, in the Security Council, July 20, 1979.

Mr. President: The United States would have supported this resolution if it had not also raised issues other than settlements which have to be resolved through sensitive negotiations.

The United States on a variety of occasions has stated in forceful terms its position on the question of Israeli settlements in the occupied territories. We have stated, and I repeat here today, that we oppose such settlements. These settlements prejudge the outcome of Middle East peace negotiations and are inconsistent with international law and the Fourth Geneva Convention. We have asked Israel to cease its practice of establishing settlements, and I repeat this request today.

Since this resolution, and the recommendations of the Commission which this resolution accepts and incorporates, go beyond the question of settlements to deal with such matters as Jerusalem the United States did not support it and abstained. This is not to say that these questions are not important. They are. However, these matters as well as issues such as settlements and the future of the occupied territories themselves can only effectively be dealt with in the course of negotiations between the parties -- negotiations which are now under way and which we hope will be extended to incorporate all parties with an interest. The important objective, and the one which more than anything else will influence our approach to matters such as those presented in this resolution, is the advancement of these negotiations. To that end we pledge ourselves.

One last point, Mr. President. While we do not agree with all of the points contained in the report, we recognize that the members of the Commission have worked diligently and in good faith on an issue of considerable sensitivity and emotion.

5. Resolution 446, March 22, 1979

RESOLUTION 446 (1979)

Adopted by the Security Council at its 2134th meeting, on 22 March 1979

The Security Council,

Having heard the statement of the Permanent Representative of Jordan and other statements made before the Council,

Stressing the urgent need to achieve a comprehensive, just and lasting peace in the Middle East,

Affirming once more that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

1. Determines that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

2. Strongly deplores the failure of Israel to abide by Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968 and 298 (1971) of 25 September 1971 and the consensus statement by the President of the Security Council on 11 November 1976 and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, 32/5 of 28 October 1977 and 33/113 of 18 December 1978;

3. Calls once more upon Israel, as the occupying Power, to abide scrupulously by the 1949 Fourth Geneva Convention, to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories;

4. Establishes a Commission consisting of three members of the Security Council, to be appointed by the President of the Council after consultation with the members of the Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem;

5. Requests the Commission to submit its report to the Security Council by 1 July 1979;

6. Requests the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission;

7. Decides to keep the situation in the occupied territories under constant and close scrutiny and to reconvene in July 1979 to review the situation in the light of the findings of the Commission.

6. U.S. STATEMENT

UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
NEW YORK, N.Y. 10017

PRESS RELEASE

FOR RELEASE ON DELIVERY | **Press Release USUN-33(79)**
CHECK TEXT AGAINST DELIVERY | **March 22, 1979**

STATEMENT BY AMBASSADOR JAMES F. LEONARD
IN THE SECURITY COUNCIL
MARCH 22, 1979

MR. PRESIDENT,

MY GOVERNMENT HAS ABSTAINED ON THE RESOLUTION WHICH HAS BEEN ADOPTED BY THE SECURITY COUNCIL. ITS CONTENT GENERALLY ACCORDS WITH THE FREQUENTLY-STATED POSITION OF THE UNITED STATES ON SETTLEMENTS IN THE OCCUPIED TERRITORIES. HOWEVER, I MUST BE FRANK IN SAYING THAT THERE ARE CERTAIN ELEMENTS OF THE RESOLUTION AND ASPECTS OF THE DEBATE IN THIS BODY WHICH ARE DISTURBING TO US.

FIRST, I MUST POINT OUT THAT THE CONFRONTATIONAL DEBATE WHICH WE HAVE WITNESSED OVER THE PAST WEEK HAS DONE LITTLE TO SERVE THE CAUSE OF PEACE. IN OUR VIEW, THE OFTEN INTEMPERATE AND UNWARRANTED LANGUAGE USED BY MANY MEMBERS TO CRITICIZE ISRAEL HAS ONLY TENDED TO DISTRACT, TO DISRUPT AND TO COMPLICATE THE PEACE TALKS AND THE SEARCH FOR A JUST SOLUTION TO THE ISSUE OF SETTLEMENTS IN THE OCCUPIED TERRITORIES. IT HAS BEEN A MATTER OF PARTICULAR CONCERN TO US THAT THIS SHOULD HAVE BEEN DONE WHEN THE PEACE TALKS WERE AT SUCH A CRITICAL STAGE. MR. PRESIDENT, IT IS CLEAR THAT SOME WHO HAVE

PARTICIPATED IN THESE SESSIONS WERE LESS INTERESTED IN PROMOTING PEACE THAN THEY PROFESS TO BE AND I MUST ALSO NOTE, MR. PRESIDENT, THAT DEROGATORY REFERENCES TO AMERICAN JEWISH GROUPS AND CITIZENS ARE INSULTING, UNWARRANTED, AND RESENTED.

I MUST ALSO POINT OUT, MR. PRESIDENT, THAT MY GOVERNMENT HAS GRAVE DOUBTS ABOUT THE UTILITY OF THE CREATION OF A SECURITY COUNCIL COMMISSION TO EXAMINE THE SITUATION OF THE SETTLEMENTS IN THE OCCUPIED TERRITORIES. NOW THAT EGYPT AND ISRAEL HAVE TAKEN A FIRST IMPORTANT MOVE TOWARD A COMPREHENSIVE PEACE SETTLEMENT IN THE MIDDLE EAST, WE BELIEVE IT IS INCUMBENT ON THE SECURITY COUNCIL NOT TO INJECT IRRITANTS INTO THIS PROCESS.

THE POSITION OF MY GOVERNMENT ON THE ISSUE OF SETTLEMENTS IN THE OCCUPIED TERRITORIES IS WELL KNOWN. AS HAS BEEN STATED ON A NUMBER OF OCCASIONS AT THE UNITED NATIONS AND ELSEWHERE, WE ARE OPPOSED TO THESE SETTLEMENTS BECAUSE WE BELIEVE THEY COULD BE PERCEIVED AS PREJUDGING THE OUTCOME OF NEGOTIATIONS AND FURTHER BECAUSE WE BELIEVE THEY ARE INCONSISTENT WITH THE FOURTH GENEVA CONVENTION AND INTERNATIONAL LAW.

CLEARLY, THE SETTLEMENTS QUESTION IS A SERIOUS ISSUE. IT IS WORTHY OF SOBER AND CONSTRUCTIVE EFFORTS TO FIND A SOLUTION. WE ARE CONVINCED THAT IT MUST BE DEALT WITH AS PART OF THE EFFORT TO DEVELOP A JUST, DURABLE AND COMPREHENSIVE SETTLEMENT OF THE ARAB-ISRAELI CONFLICT.

MOREOVER, WE ARE PERSUADED THAT IT WILL BE DEALT WITH. AS WE MOVE BEYOND THE ISRAELI-EGYPTIAN PEACE TREATY INTO NEGOTIATIONS FOR A COMPREHENSIVE PEACE, THE PARTIES -- JOINED BY THE UNITED STATES -- WILL BE DEALING WITH THE QUESTION OF SETTLEMENTS AS WELL AS WITH OTHER ISSUES INVOLVING THE WEST BANK AND GAZA, AND WITH THE PALESTINIAN PROBLEM IN ITS VARIOUS DIMENSIONS. IT IS OF UTMOST IMPORTANCE THAT THE FACT-FINDING COMMISSION NOT COMPLICATE OR IMPEDE THE NEGOTIATIONS AMONG THE PARTIES.

THIS TRAGIC CONFLICT IN ALL ITS AGONIZING COMPLEXITY HAS OCCUPIED THE ATTENTION OF THIS COUNCIL AND THE WORLD VIRTUALLY SINCE THE FOUNDATION OF THE UNITED NATIONS. AFTER FOUR WARS, COUNTLESS DEATHS, AND INNUMERABLE BRAVE AND WELL-INTENTIONED EFFORTS TO FIND A JUST AND

LASTING PEACE, IT WAS LEFT TO THE PROCESS BEGUN LAST SEPTEMBER AT CAMP DAVID TO PROVIDE THE FIRST -- AND TO THIS POINT, THE ONLY -- PRACTICAL MEANS OF ACHIEVING THE LEGITIMATE GOALS OF ALL THE PARTIES.

BUILT UPON THE FOUNDATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 242 AND 338, THE PEACE NEGOTIATIONS NOW UNDERWAY EXCLUDE NO ONE, AND NO ISSUE. THEY INVITE AND ENCOURAGE THE FULL PARTICIPATION OF ALL THOSE -- INCLUDING THE PALESTINIANS -- WHO ACCEPT AS THE OBJECT OF THESE NEGOTIATIONS SECURITY, RECOGNITION AND PEACE AMONG NEIGHBORS. THE ACCORDS DEVELOPED IN THESE NEGOTIATIONS LAY OUT IN DETAIL THE PRINCIPLES AND PROCEDURES THAT WILL GOVERN NEGOTIATIONS ON THE FULL RANGE OF ISSUES WITHIN THE ARAB-ISRAELI CONFLICT.

THE PROCESS BEGUN WITH THE CAMP DAVID ACCORDS IS AN ARDUOUS ONE, HOWEVER, ONE WHICH HAS REQUIRED ENORMOUS COURAGE AND DEDICATION. EVEN AS THIS DEBATE WAS BEGUN, PRESIDENT CARTER WAS IN THE MIDDLE EAST MAKING A MAXIMUM PERSONAL EFFORT TO HELP THE PARTIES THROUGH A PARTICULARLY DIFFICULT PHASE. AND AS WE SPEAK TODAY, REPRESENTATIVES OF THE PARTIES ARE DISCUSSING THE LAST ELEMENTS OF THE

WORK BEGUN SO MANY MONTHS AGO. THIS WILL LEAD TO THE SIGNING OF A PEACE TREATY BETWEEN EGYPT AND ISRAEL WHICH IS A TRIUMPH OF THE PRINCIPLES ON WHICH THIS ORGANIZATION IS BASED. THE PROCESS OF NEGOTIATION WHICH WILL FOLLOW FROM THIS HISTORIC EVENT CLEARLY OFFERS THE BEST OPPORTUNITY FOR THE JUST RESOLUTION OF THE ISSUE WE HAVE ADDRESSED OVER THE PAST WEEK. IT IS CLEAR THAT THE PEACE TREATY REPRESENTS ONLY THE BEGINNING OF THIS PROCESS, BUT IT IS EQUALLY CLEAR THAT WHEN THE PRESENT WORK OF THE PARTIES IS COMPLETED, THE WORLD WILL HAVE BEEN BROUGHT CLOSER TO A JUST, LASTING AND COMPREHENSIVE PEACE IN THE MIDDLE EAST. IT IS OUR PROFOUND BELIEF THAT THIS DEVELOPMENT WILL ONE DAY LEAD TO THE FULFILLMENT OF THE HOPES AND LEGITIMATE ASPIRATIONS OF ALL THE PARTIES. PRESIDENT CARTER, IN CAIRO, COMMITTED HIMSELF PERSONALLY TO NEGOTIATIONS CONCERNING THE WEST BANK AND GAZA AND OTHER ISSUES OF CONCERN TO THE PALESTINIANS, AND HE URGED PALESTINIAN PARTICIPATION.

IT IS DIFFICULT TO BELIEVE THAT ANYONE, HAVING WITNESSED THE IMMENSE EFFORT IT HAS TAKEN TO BRING THE

TALKS TO THIS POINT, WOULD WISH TO UNDERMINE WHAT HAS BEEN SO FAR ACHIEVED AND JEOPARDIZE THE FUTURE OF THE PROCESS. AS PRESIDENT CARTER SAID A FEW DAYS AGO: LET NO ONE BE DECEIVED. THOSE WHO ATTEMPT TO OBSTRUCT THE CURRENT EFFORT ARE OPPOSING THE ONLY EFFORT THAT CAN BRING PEACE TO THE MIDDLE EAST. THE EFFECT OF THEIR SLOGANEERING AND RHETORIC IS TO MAKE THEM IN EFFECT THE ADVOCATES OF THE STATUS QUO, NOT CHANGE; ADVOCATES OF WAR, NOT PEACE; ADVOCATES OF FURTHER SUFFERING, NOT OF ACHIEVING THE HUMAN DIGNITY TO WHICH LONG-SUFFERING PEOPLE OF THIS REGION ARE ENTITLED.

THE UNITED STATES REMAINS FULLY COMMITTED TO FINDING A JUST, LASTING AND COMPREHENSIVE PEACE WHICH MUST INCLUDE A RESOLUTION OF THE PALESTINIAN PROBLEM. THIS IS THE PEACE TO WHICH THE UNITED NATIONS CHARTER BINDS ALL OF US. WE CALL UPON OUR FELLOW MEMBERS TO LEND THEIR FULL AND UNSELFISH SUPPORT, SINGLY AND IN CONCERT, TO THOSE NOW ENGAGED IN THIS CRUCIAL SEARCH, AND TO AVOID ACTIONS WHICH NEEDLESSLY MAKE THIS SEARCH MORE ARDUOUS, AND MORE PERILOUS.

7. SC CONSENSUS STATEMENT, NOVEMBER 11, 1976

CONSENSUS STATEMENT

At the 1969th meeting, on 11 November 1976, the President made the following statement:

"As a result of consultations over which I presided with all members of the Council, I am authorized as President to make the following statement on behalf of the Council.

"Following the request submitted by Egypt on 20 October 1976,[16] the Security Council held four meetings between 1 and 11 November to consider the situation in the occupied Arab territories, with the participation of the representative of the Palestine Liberation Organization. After consulting all the members, the President of the Council states that the Council has agreed:

"1. To express its grave anxiety and concern over the present serious situation in the occupied Arab territories as a result of continued Israeli occupation.

"2. To reaffirm its call upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the territories and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.

"3. To reaffirm that the Geneva Convention relative to the Protection of Civilian Persons in Time of War[14] is applicable to the Arab territories occupied by Israel since 1967. Therefore, the occupying Power is called upon once again to comply strictly with the provisions of that Convention and to refrain from any measure that violates them. In this regard, the measures taken by Israel in the occupied Arab territories which alter their demographic composition or geographical character, and in particular the establishment of settlements, are strongly deplored. Such measures, which have no legal validity and cannot prejudge the outcome of the efforts to achieve peace, constitute an obstacle to peace.

"4. To consider once more that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon and the transfer of populations, which tend to change the legal status of Jerusalem, are invalid and cannot change that status, and urgently to call upon Israel once more to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem. In this connexion, the Council deplores the failure of Israel to show any regard for Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968 and 298 (1971) of 25 September 1971 and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967.

"5. To recognize that any act of profanation of the Holy Places, religious buildings and sites or any encouragement of, or connivance at, any such act may seriously endanger international peace and security.

"The Council decides to keep the situation under constant attention with a view to meeting again should circumstances require."

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[16] *Ibid.*, document S/12218.

The question of the exercise by the Palestinian people of its inalienable rights

Decisions

At its 1924th meeting, on 9 June 1976, the Council decided to extend an invitation, under rule 39 of the provisional rules of procedure, to the Chairman, the Rapporteur and other members of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to participate in the discussion of the item entitled "The question of the exercise by the Palestinian people of its inalienable rights: report of the Committee established under General Assembly resolution 3376 (XXX) (S/12090)".[17]

At the same meeting, the Council also decided, by a vote, that an invitation should be accorded to the representative of the Palestine Liberation Organization to participate in the debate and that that invitation would confer upon it the same rights of participation as those conferred on a Member State when it was invited to participate under rule 37 of the provisional rules of procedure.

Adopted by 11 votes to 1 (United States of America), with 3 abstentions (France, Italy, United Kingdom of Great Britain and Northern Ireland).

At the same meeting, the Council further decided to invite the representatives of Cuba, Egypt, Jordan, the Syrian Arab Republic, Turkey and the United Arab Emirates to participate, without vote, in the discussion of the question.

At its 1928th meeting, on 18 June 1976, the Council decided to invite the representatives of the German Democratic Republic, Hungary, India, Saudi Arabia and Yugoslavia to participate, without vote, in the discussion of the question.

At its 1933rd meeting, on 24 June 1976, the Council decided to invite the representatives of Afghanistan, Bahrain, Democratic Yemen, the Lao People's Democratic Republic, Mauritania and Morocco to participate, without vote, in the discussion of the question.

At the same meeting, the Council also decided, at the request of the representative of the Libyan Arab Republic,[18] to extend an invitation to Mr. Amin Hilmy II, under rule 39 of the provisional rules of procedure.

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[17] See *Official Records of the General Assembly, Thirty-first Session, Supplement No. 35.*

[18] *Official Records of the Security Council, Thirty-first Year, Supplement for April, May and June 1976*, document S/12113.

8. U.S. STATEMENT

(The President)

"(4) It considers once more that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon and the transfer of populations which tend to change the legal status of Jerusalem, are invalid and cannot change that status; and urgently calls upon Israel once more to rescind all such measures alre taken and to desist forthwith from taking any further action which tends t change the status of Jerusalem. In this connexion the Council deplores th failure of Israel to show any regard for Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968 and 298 (1971) of 25 September 1971 and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967;

"(5) Its recognition that any act of profanation of the Holy Places, religious buildings and sites or any encouragement of, or connivance at, any such act may seriously endanger international peace and security.

"The Council decides to keep the situation under constant attention with a view to meeting again should circumstances require."

Mr. SHERER (United States of America): Mr. President, the United Stat has joined the other members of the Security Council in the consensus statement which you have read out because we believe that statement affirms several important principles in regard to the occupied territories. First is the principle that the Fourth Geneva Convention applies to the present situation in the occupied territories. Under that Convention and under international law the occupying Power has rights as well as responsibilities. Secondly, we have supported and we continue to support the principle that persons displaced in the 1967 war should be permitted to return to their places of habitation at the time of that war. Finally, we welcome the concern in that statement for the sanctity of the Holy Places, which we consider to be a particularly sensitive and important matter.

Did [illegible]

While my Government has associated itself with the results of this debate, I must in candour observe that the criticism of Israel which dominated these proceedings has been largely one-sided and excessive. This was particularly true as regards the question of access to the holy sites, specifically the burial site of the patriarch Abraham.

(Mr. Sherer, United States)

We agree with the other members of the Security Council that the Fourth Geneva Convention, specifically its article 27, provides the standard for measuring Israeli conduct in this matter. We are also fully aware that in recent weeks there have occurred deplorable acts of desecration and violence in and around that site, which is holy to Moslems, Jews and Christians alike. However, it is only fair and proper to point out that the Israeli Government has condemned and opposed those activities and has most recently brought charges in a military court against a rather prominent Israeli citizen for his role in them. The question of access to and worship within this site is a particularly complex and difficult matter, but we believe that the occupying authorities have acted in good faith to protect and preserve the religious rights set forth in the Fourth Geneva Convention. The Council's statement of consensus speaks of the danger to peace of any act of profanation of the Holy Places. This we take to mean any act by the population, the local authorities or the occupying Power.

In closing, I should like to observe that in this debate we have been dealing with the symptoms of the problem rather than with the problem itself. The conditions we have been discussing will be satisfactorily resolved only in the context of the negotiation of a just and lasting peace in accordance with Security Council resolutions 242 (1967) and 338 (1973), with respect to which we stand by all our previous positions.

There is good reason to hope that conditions in the Middle East have improved to the point that renewed efforts towards such a settlement will be possible. The recent meetings of Arab leaders in Riyadh and Cairo promise to contribute to an end to the fighting in Lebanon and to the preservation of its independence, territorial integrity and national unity, to which we attach the highest importance. More broadly, the statesmanship displayed by the Governments principally involved promises to establish the constructive atmosphere and the conditions necessary if there is to be progress towards resolving the problems which continue to beset the Middle East.

9. SC MAJORITY STATEMENT, MAY 26, 1976

At the 1922nd meeting, on 26 May 1976, the President made the following statement:

"Following the request submitted by Egypt on 3 May 1976,[13] the Security Council held seven meetings between 4 and 26 May to consider the situation in the occupied Arab territories. After consulting all the members, the President of the Council concludes that the majority of the members agreed on the following.

"Grave anxiety was expressed over the present situation in the occupied Arab territories; concern was also expressed about the well-being of the population of those territories.

"The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[14] is applicable to the Arab territories occupied by Israel since 1967. The occupying Power was therefore called upon to comply strictly with the provisions of that Convention and to refrain from and rescind any measure which would violate them. In this regard, the measures taken by Israel in the occupied Arab territories which alter their demographic composition or geographical character, and in particular the establishment of settlements, were deplored. Such measures, which cannot prejudge the outcome of the efforts to achieve peace, constitute an obstacle to peace.

"The Security Council should continue to follow the situation closely."

At its 1966th meeting, on 1 November 1976, the Council decided to invite the representatives of Egypt, Israel, Jordan and the Syrian Arab Republic to participate, without vote, in the discussion of the item entitled "The situation in the occupied Arab territories: letter dated 20 October 1976 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/12218)".[15]

At the same meeting, the Council also decided, by a vote, that an invitation should be accorded to the representative of the Palestine Liberation Organization to participate in the debate and that that invitation would confer upon it the same rights of participation as those conferred on a Member State when it was invited to participate under rule 37 of the provisional rules of procedure.

Adopted by 11 votes to 1 (United States of America), with 3 abstentions (France, Italy, United Kingdom of Great Britain and Northern Ireland).

At its 1967th meeting, on 4 November 1976, the Council decided to invite the representatives of Bangladesh, Mauritania and Saudi Arabia to participate, without vote, in the discussion of the question.

At its 1968th meeting, on 9 November 1976, the Council decided to invite the representatives of Indonesia, Morocco and Nigeria to participate, without vote, in the discussion of the question.

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[13] *Ibid.*, document S/12066.

[14] United Nations, *Treaty Series*, vol. 75, p. 287.

[15] See *Official Records of the Security Council, Thirty-first Year, Supplement for October, November and December 1976.*

10. U.S. Statement of Disassociation

UNITED STATES MISSION
TO THE UNITED NATIONS

FOR IMMEDIATE RELEASE

Press Release USUN-59(76)
May 26, 1976

Statement by Ambassador William W. Scranton, United States Representative to the United Nations, in the Security Council, on the situation in the occupied Arab territories, May 26, 1976.

Mr. President, first may I say that the statement which I am about to make clearly indicates I believe that the United States of America is not unrelentingly supporting "Zionist aggression," nor is it making its position because of internal matters within the United States, but rather because it believes thoroughly that in any matter that comes before this Council it is important that we have a balanced answer, particularly as this Council is instructed through the Charter of our great organization first and foremost to be thinking of peace.

Mr. President, my delegation has disassociated itself from the statement you have read out which represents the view of the majority of the Council's members. As you know from views that my Government has expressed on past occasions in this chamber and elsewhere, there is much in the statement of the majority view with which we could agree.

We agree, for example, that the Fourth Geneva Convention relative to the protection of civilian persons in time of war is applicable to the territories occupied by Israel since 1967. We believe in the importance of following its prescriptions. In fact we made our position on this question clear during the March deliberations in this Council. From the unaminous agreement, therefore, of this Council that the Fourth Geneva Convention applies to the occupied territories, it follows that all of its provisions apply. We also agree that Israel should scrupulously comply with all the provisions of that Convention. Our position about the Israeli settlements in the occupied territories is similarly well known.

We are concerned, however, that the statement of the majority view lacks balance, and it is the element of balance which should be the hallmark of the deliberations of a body charged, as this one is, with maintaining the peace. While the summary statement does contain references to certain provisions of the Fourth Geneva Convention describing the obligations of an occupying power, there is no corresponding reference in the statement to those provisions of the Convention which explicitly recognize that the occupying power has the duty to maintain law and order and the right to protect its forces. We object, furthermore, to the fact that the statement is unrelieved by any recognition of the many areas in which Israeli administration of the occupied territories has been responsible and just, as in its administration of the Holy Places in Jerusalem and in its substantial efforts to permit the population to choose their own elected representatives to local government.

In particular, we believe the statement's sweeping injunction to Israel to rescind measures is out of place in this context and at this time.

Having said this, however, and having disassociated ourselves from the view of the majority, we would be remiss if we did not call the attention of the Government of Israel to the fact that there are aspects of its policies in the occupied territories, in particular that involving the establishment of settlements, that are increasingly a matter of concern and distress to its friends throughout the world and are not helpful to the process of peace. Israel has ample reason, with the experience of recent years, to feel that this Council too seldom approaches the Middle East problem with objectivity. It would be mistaken, however, to dismiss as products of blind partisanship all the points contained in the statement read out in this chamber today.

11. U.S. STATEMENT, MARCH 23, 1976

UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
NEW YORK, N. Y. 10017

PRESS RELEASE

FOR IMMEDIATE RELEASE

Press Release USUN-37 (76)
March 23, 1976

Statement by Ambassador William W. Scranton, United States Representative to the United Nations, in the Security Council, on the request by the Libyan Arab Republic and Pakistan for consideration of the serious situation arising from recent developments in the occupied Arab territories, March 23, 1976.

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Mr. President, first of all may I say to you that I am very grateful personally for your kind comments at the opening of this hearing and likewise for your extraordinary calm and measured leadership in this, which of all things that face us, is among the most passionate.

Likewise, I am equally grateful to all of you individually who have given me the kind of welcome which is very warming to the heart and I hope that I can live up to some of the very kind comments that were made.

Purposely and personally I have come and been here as each and every one of you have spoken and I plan to be here if I possibly can for all the other speakers on this very difficult problem, with one exception, to whom I have already apologized and would like to do so publicly. Yesterday in the middle of the distinguished representative from Egypt's comments, I had to leave because I was scheduled to be at a small luncheon for the Ambassador from Japan, whom we are very sorry to have leave our Council. But I did read what the Egyptian Representati said and I was here for his reply this morning.

Now I, too, would like to indulge for just a few minutes in some personal comments from notes, very well aware that this is impossible for a "barbarian" in contrast to the distinguished gentleman from Saudi Arabia with his inimitable wit and remarkable eloquence, but most important of all and truly and seriously, his very extraordinary knowledge of history, but nevertheless I shall try because I wish to make them meaningful and personal, just a few comments about what has happened here so far in these deliberations.

First of all, I still am quite concerned and openly say so about the decision that was made concerning procedure. Not -- and I want this thoroughly understood -- not because the United States Government or,as far as I know, any other government here did not want the Palestine Liberation Organization to be heard. Quite the contrary, we did, and we welcome the hearing.

But I am concerned personally because I think unless a major international body of deliberation abides by written rules, in the future we will regret it; and I can see on the horizon a number of forthcoming instances when, forgetting rules and simply doing what the majority wants, whatever the majority may be, can haunt that majority at some future time. I think it is very important for us to have rules of procedure and to abide by them.

Secondly, with regard to this event which has purported to have initiated the recent difficulties in the West Bank and in Jerusalem, there were many references made by other speakers to media reports, some of them based on hearsay, what other persons had said. This is natural and understandable. But such references lead us away from facts, very important in any kind of deliberation but particularly in a deliberation which has to do with such a very emotional part of the world, more emotional, I suspect, than anywhere in the world based on its long and enduring varied cultures, the remarkable differences and yet extraordinary religions and the other emotions that abide there in such depth.

Events have taken place over the last several years which have deeply hurt us all -- terrorist raids and equally senseless retaliations and reprisals. These and other events have meant human killing, a good deal of it, and last but by no means least, very intense and widespread human suffering.

It seems to me that it is our responsibility in this international body not to add fuel to those fires as they individually or collectively arise but to do everything we can to lessen tensions, to deal with facts, and to help in every way possible to bring peace there and everywhere else in the world. As several of you have said, and said correctly in my judgment, the big issue here is not each of these events to which I have referred, as deplorable as they may be; the big question is the occupied territory and the people who are there vis-a-vis Israel's right to be and to be secure, to which we Americans are strongly and deeply dedicated.

Yesterday, as I took leave of this body, I went to a small luncheon and sat next to a very lovely woman and we were discussing this major issue. And she said to me, rather yearningly, "Can it ever be resolved?" That is clearly the major question here and the one to which we should be devoting all our efforts. My answer to her was quite simple to say but very difficult to do, "For the world it must be."

And one last personal comment: I really would greatly appreciate it if over the next few weeks and months any one of you and preferably all of you would be kind enough to talk with me in the corridors or at the social functions or wherever, so that I can obtain as deep and penetrating an understanding of what each of you and your governments are thinking and feeling about this, certainly one of the most critical problems that beset this world.

And now for some written comments.

At the outset, it is especially noteworthy, I think, that Israel has joined in our deliberations. My Government warmly welcomes Israel's decision to do so.

For the events that have brought us together today are a corollary and a consequence of the tragic dispute that has occupied this Council with such regularity over the years. As such, they raise two categories of issues that we must have in mind if we are to deal with them constructively.

First is the question of bringing to an early end the situation that gives rise to these disturbances and to other forms of violence in the Middle East. So long as the situation persists we can expect continuing tension and occasional violence, however we might, and we must regret it. It is not necessary for me to belabor this point. Surely it is evident to all of us.

The occupation of territories in the 1967 war has always been seen by the world community to be an abnormal state of affairs that would be brought to an end as part of a peace settlement. Resolution 242, adopted by this Council shortly after the end of the 1967 war that led to the occupation, established the basic bargain that would constitute a settlement. This bargain was withdrawal of Israeli forces in return for termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

My Government has committed itself to do all it can to bring about this settlement and, in the words of Resolution 338, to implement Council Resolution 242 in all of its parts and to further negotiations between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East, which is what we are here for. We are engaged at this moment in an effort to regain momentum, as all of you know, in the negotiating process that has brought some unusual progress and it must bring more.

The second focus of our consideration must be the conduct of the occupation itself. In asking for this meeting, the letter of complaint circulated by the Permanent Representatives of the Libyan Arab Republic and of Pakistan identifies three issues:

-- The administration of the Holy Sites,

-- The situation in Jerusalem,

-- Israeli actions in regard to the civilian population of the occupied territories, and the Israeli settlements in the occupied territories.

The position of the United States on these issues is clear and of long standing. I propose to review the U.S. position today once more to point out that there are proper principles and there are procedures under international law and practice which, when applied and maintained, will contribute to civil order and will, over the longer run, facilitate a just and a lasting peace.

First, there is the matter of the Holy Sites and practice of religion in the occupied areas. The deep religious attachment of Muslims and Jews and Christians to the Holy Places of Jerusalem has added a uniquely volatile element to the tensions that inhere in an occupation situation. The area known to Muslims as the Haram as Sharif and to Jews as the Temple Mount is of particular sensitivity. Israel's punctilious administration of the Holy Places in Jerusalem has, in our judgement, greatly minimized the tensions. To my Government, the standard to be followed in administering the Holy Sites is contained in Article 27 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. All parties to the Arab-Israel conflict are signatories of the Convention. Article 27 of the Convention prescribes, inter alia that "Protected persons are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs." With regard to the immediate problem before us -- a ruling by a lower Israeli court which would have the effect of altering the status of the Haram -- it is our view that Israel's responsibilities under Article 27 to preserve religious practices as they were at the time of occupation began cannot be changed by the ruling of an Israeli court. We are gratified, deeply gratified, that the

Supreme Court of Israel has upheld the Israeli Government's position.

The status of the Holy Places is, of course, only one facet, however important, very important, of the problem of the status of Jerusalem itself. The United States position on the status of Jersusalem has been stated here on numerous occasions since the Arab portion of that city was occupied by Israel in 1967. Ambassador Yost said in 1969 "that the part of Jerusalem that came under the control of Israel in the June war, like other areas occupied by Israel, is occupied territory and hence subject to the provisions of international law governing the rights and obligations of an occupying power." Ambassador Goldberg said in 1968, to this Council, that "the United States does not accept or recognize unilateral actions by any states in the area as altering the status of Jerusalem." I emphasize, as did Ambassador Goldberg, that as far as the United States is concerned such unilateral measures, including expropriation of land or other administrative action taken by the Government of Israel, cannot be considered other than interim and provisional and cannot affect the present international status, nor prejudge the final and permanent status of Jerusalem. The United States position could not be clearer. Since 1967 we have restated here, in other fora, and to the Government of Israel that the future of Jerusalem will be determined only through the instruments and processes of negotiation, agreement and accommodation. Unilateral attempts to predetermine that future have no standing.

Next I turn to the question of Israeli settlements in the occupied territories. Again, my Government believes that international law sets the appropriate standards. An occupier must maintain the occupied areas as in tact and unaltered as possible, without interfering with the customary life of the area, and any changes must be necessitated by the immediate needs of the occupation and be consistent with international law. The Fourth Geneva Convention speaks directly to the issue of population transfer in Article 49: "The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies." Clearly, then substantial resettlement of the Israeli civilian population in occupied territories, including in East Jerusalem, is illegal under the Convention and cannot be considered to have prejudged the outcome of future negotiations between the parties on the location of the borders of states of the Middle East. Indeed, the presence of these settlements is seen by my Government as an obstacle to the success of the negotiations for a just and final peace between Israel and its neighbors. The real issues of peace and stability in the Middle East are very difficult indeed. And unilateral acts, such as civilian population transfers, have been taken which serve to inflame emotions on both sides.

Mr. President, I welcome the opportunity -- indeed I do -- this meeting of the Council has provided to review the issues involved in the administration of the Holy Sites, the status of Jerusalem, and in addition the question of Israeli settlements in the occupied territories. Now as to prospective action by this Council, my Government will apply three tests:

- -- First, do the facts and judgement on which the resolution is based correspond to the actual situation? Facts.
- -- Second, will the Council's action in practice advance the proper administration of the areas involved?
- -- and most important of all, will the Council's action help or hinder the peaceful settlement process, the framework for which was established by Security Council Resolutions 242 and 338?

12. DRAFT RESOLUTION OF MARCH 24, 1976 (U.S. VETO)

Benin, Guyana, Pakistan, Panama and United
Republic of Tanzania: draft resolution

The Security Council,

Having considered recent developments in the occupied Arab territories,

Deeply concerned at the serious situation which has arisen in these territories as a result of continued Israeli occupation,

Deeply concerned further at the measures taken by the Israeli authorities leading to the present grave situation, including measures aimed at changing the physical, cultural, demographic and religious character of the occupied territories and, in particular, the City of Jerusalem, the establishment of Israeli settlements in the occupied territories and other violations of the human rights of the inhabitants of those territories,

Emphasizing the inadmissibility of the acquisition of territory by war,

Recalling and reaffirming the resolutions of the General Assembly and the Security Council calling upon Israel to rescind all measures already taken and to desist from taking any further action which would alter the status of the City of Jerusalem and the character of the occupied Arab territories,

Noting that, notwithstanding the aforementioned resolutions, Israel persists in its policy aiming at changing the physical, cultural, demographic and religious character of the City of Jerusalem in particular,

Reaffirming the urgent need for establishing a just and lasting peace in the Middle East,

1. Deplores Israel's failure to put a stop to actions and policies tending to change the status of the City of Jerusalem and to rescind measures already taken to that effect;

2. Calls on Israel, pending the speedy termination of its occupation, to refrain from all measures against the Arab inhabitants of the occupied territories;

3. Calls on Israel to respect and uphold the inviolability of the Holy Places which are under its occupation and to desist from the expropriation of or encroachment upon Arab lands and property or the establishment of Israeli settlements thereon in the occupied Arab territories and to desist from all other actions and policies designed to change the legal status of the City of Jerusalem and to rescind measures already taken to that effect;

4. Decides to keep the situation under constant attention with a view to meeting again should circumstances so require.

13. U.S. STATEMENT

UNITED NATIONS MISSION
TO THE UNITED NATIONS

FOR IMMEDIATE RELEASE

Press Release USUN-38 (76)
March 25, 1976

Statement by Ambassador William W. Scranton, United States Representative to the United Nations, in the Security Council, in explanation of vote before the vote on the resolution concerning the situation in the occupied territories, March 25, 1976.

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Mr. President, I want once more to recognize and appreciate the comments that three or four of the representatives made this morning in giving me a warm welcome to this Council and I am indeed grateful for their very kind comments. It reminds me, incidentally, that it is in some contrast to the welcome that I had outside this Council today. I dare say that I have now written a new record in representatives' records to this Council that I don't think anybody else can match by having a demonstration requesting my ouster hardly before I have sat down.

Secondly, I would like to say to the distinguished representative from Pakistan how much I appreciate the comments that he has made to me, in a very quiet and deliberate way, a few moments ago addressed to me and quoting some of the comments that I made on behalf of my government on Tuesday. And, sir, I shall try to respond and explain our vote in the same quiet and deliberate way, briefly.

The distinguished representative from Pakistan has quoted to you the three tests that I laid out in that intervention on Tuesday. I shall not repeat them. But they are the tests that have been carefully measured by my Government and when I say carefully I mean just that word. We have carefully measured the draft resolution that is now before all of you against these criteria and concluded that it fails to meet the criteria, especially because it reflects or implies judgments which on balance do not correspond to the actual situation in the area. Parts of the resolution, for example, are based on the judgment that Israel is persisting in a policy aimed at changing the religious character of the City of Jerusalem. We believe, my Government and I, that this conclusion is incorrect. Quite to the contrary we think Israel's administration of the holy places in Jerusalem has literally and actively minimized tensions.

Secondly, and I think this is extremely important, you will remember that one of the tests was whether the Council's action would help or hinder the peaceful settlement process. On Tuesday I said to you that my Government has committed itself to do all it can to bring about a settlement. We take a back seat to no nation in this regard. We are engaged, as I said then, at this moment in an effort to regain momentum in the negotiating process that has brought some unusual progress. And I think it is fair to say that there has been more progress in this effort than anything else that has been undertaken since the 1967 war, although we are as aware as everyone else that there must be more. It is our belief and our strong feeling that this draft resolution would not help in that peaceful settlement process. And because the draft failed in our judgment to meet the tests that we brought to you, and which I brought to the attention of you on Tuesday, in the vote that is forthcoming the United States will vote no.

14. Draft Resolution of January 23, 1976 (U.S. Veto)

Draft resolution: Benin, Guyana, Pakistan, Panama, Romania and United Republic of Tanzania

The Security Council,

Having considered the item entitled "The Middle East problem including the Palestinian question", in accordance with its resolution 381 (1975) of 30 November 1975,

Having heard the representatives of parties concerned, including the Palestine Liberation Organization, representative of the Palestinian people,

Convinced that the question of Palestine is the core of the conflict in the Middle East,

Expressing its concern over the continuing deterioration of the situation in the Middle East, and deeply deploring Israel's persistence in its occupation of Arab territories and its refusal to implement the relevant United Nations resolutions,

Reaffirming the principle of inadmissibility of acquisition of territories by the threat or use of force,

Reaffirming further the necessity of the establishment of a just and lasting peace in the region based on full respect for the Charter of the United Nations as well as for its resolutions concerning the problem of the Middle East including the question of Palestine,

1. Affirms:

(a) That the Palestinian people should be enabled to exercise its inalienable national right of self-determination, including the right to establish an independent state in Palestine in accordance with the Charter of the United Nations;

(b) The right of Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so and the right of those choosing not to return to receive compensation for their property;

(c) That Israel should withdraw from all the Arab territories occupied since June 1967;

(d) That appropriate arrangements should be established to guarantee, in accordance with the Charter of the United Nations, the sovereignty, territorial integrity and political independence of all States in the area and their right to live in peace within secure and recognized boundaries;

2. Decides that the provisions contained in paragraph 1 should be taken fully into account in all international efforts and conferences organized within the framework of the United Nations for the establishment of a just and lasting peace in the Middle East;

3. Requests the Secretary-General to take all the necessary steps as soon as possible for the implementation of the provisions of this resolution and to report to the Security Council on the progress achieved;

4. Decides to convene within a period of six months to consider the report by the Secretary-General regarding the implementation of this resolution, and in order to pursue its responsibilities regarding such implementation.

15. U.S. STATEMENT

UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
NEW YORK, N. Y. 10017

PRESS RELEASE

FOR RELEASE ON DELIVERY
CHECK TEXT AGAINST DELIVERY

Press Release USUN-10(76)
January 26, 1976

Statement by Ambassador Daniel P. Moynihan, United States Representative to the United Nations, in the Security Council, in explanation of vote on the Middle East problem including the Palestinian question, January 26, 1976.

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The United States has not lightly cast a negative vote against the resolution that was before us. We voted no only after long and conscientious consideration and with the realization that we must keep foremost in mind a greater goal beyond this Council Chamber. I want to make clear our reasons for voting as we did -- and the seriousness with which my Government first weighed the views expressed in this debate. As witness to our intent and purpose the Department of State of the United States at this moment is releasing a statement that more completely sets out United States views on where this debate has left us in our search for a Middle East peace.

To briefly state that position we concluded that our responsibility to seek further progress toward an overall peace settlement in the Middle East required us, even if we stood alone, to preserve the framework for negotiations established in Security Council Resolution 242 and 338. The provisions that were before us were such that we considered the negotiating framework would have been altered in ways that would have been seriously harmful to the future of the peacemaking process. We understand the reasons behind many of the ideas that have been presented here and we are not closing the door to the introduction into the negotiating process of considerations that have not yet been addressed. Rather we wish to emphasize that it is better to go forward with the agreed basis that does exist, to utilize it to the best of our ability, and to see it evolve in a manner that will make it more useful rather than running the risk of destroying it.

On January 19, Mr. President, I made before this Council a short statement of the United States position on changes to the agreed framework for negotiation. I said then that changes imposed, whatever the intentions and with whatever justification, but nevertheless imposed, would not work. That is a point that I would like to make again today. The United States negative vote on the resolution was not based on antipathy to the aspirations of Palestinians, but rather on the conviction that the passage of that resolution would not ameliorate their condition nor be the most effective way of addressing the long-neglected problem of their future in the context of an overall statement.

It is not a question of whether but how to make progress toward the goal we all profess.

On behalf of the United States, Sir, I wish to thank the President of the Council for his statesmanship and leadership that has piloted us all through important and far-ranging deliberations. I wish to congratulate all members who have spoken here for the thoughtfulness and measured tones of their positions. Surely this approach is constructive and helpful to the parties that must soon proceed to negotiation of all the issues before them -- to matters of procedure, the question of additional participation, and the matters of substance such as withdrawal from occupied territories, the right of all states in the area to live within secure and recognized borders, and reciprocal obligations of the parties to live in peace with each other.

When we first began our deliberations the United States made it clear that we wished to avoid confrontation and to produce positive results to aid in the search for peace. Many, we know, will be disappointed that we do not have a resolution to use and to refer to, but for our part let me say that we have nonetheless profited from the various views that have been expressed and we have increased our understanding of the enormous complexities before us all. Armed with the positive suggestions that have been made, fortified by the seriousness and concern of all who have participate', the United States pledges to you -- to you all and to the United Nations that we will persevere in the search for peace, that we will make use of the framework for negotiation that has been preserved, and that we will do our best. We need the cooperation of all of you to make these efforts succeed -- I hope you will join us and help us in this quest and as it recommences for the United States it is a matter of special import to know that we have the unfailing and determined efforts of the Secretary General with us in this matter. Thank you.

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16. RESOLUTION 298, SEPTEMBER 25, 1971

Resolution 298 (1971)

of 25 September 1971

The Security Council,

Recalling its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Asembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 concerning measures and actions by Israel designed to change the status of the Israeli-occupied section of Jerusalem,

Having considered the letter of the Permanent Representative of Jordan on the situation in Jerusalem[23] and the reports of the Secretary-General,[24] and having heard the statements of the parties concerned on the question,

Reaffirming the principle that acquisition of territory by military conquest is inadmissible,

Noting with concern the non-compliance by Israel with the above-mentioned resolutions,

Noting with concern also that since the adoption of the above-mentioned resolutions Israel has taken further measures designed to change the status and character of the occupied section of Jerusalem,

1. *Reaffirms* its resolutions 252 (1968) and 267 (1969);

2. *Deplores* the failure of Israel to respect the previous resolutions adopted by the United Nations concerning measures and actions by Israel purporting to affect the status of the City of Jerusalem;

3. *Confirms* in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status;

4. *Urgently calls upon* Israel to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may purport to change the status of the City or which would prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace;

5. *Requests* the Secretary-General, in consultation with the President of the Security Council and using such instrumentalities as he may choose, including a representative or a mission, to report to the Council as appropriate and in any event within sixty days on the implementation of the present resolution.

Adopted at the 1582nd meeting by 14 votes to none, with 1 abstention (Syrian Arab Republic).

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[23] *Ibid.*, document S/10313.

[24] *Ibid., Twenty-second Year, Supplement for July, August and September 1967*, documents S/8052 and S/8146; *ibid., Twenty-fourth Year, Supplement for April, May and June 1969*, documents S/9149 and Add.1; *ibid., Supplement for October, November and December 1969*, document S/9537; *ibid., Twenty-sixth Year, Supplement for January, February and March 1971*, document S/10124; *ibid., Supplement for April, May and June 1971*, document S/10124/Add.1; and *ibid., Supplement for July, August and September 1971*, document S/10124/Add.2.

17. U.S. STATEMENT

UNITED STATES DELEGATION
TO THE GENERAL ASSEMBLY

FOR IMMEDIATE RELEASE

Press Release USUN-147(71)
September 25, 1971

Statement by Ambassador George Bush, United States Representative to the United Nations, in the Security Council, on Jerusalem, September 25, 1971.

Once again we have met to consider Jerusalem, an issue of long standing in this body and other organs of the United Nations. In our view, the ultimate status of Jerusalem should be determined through negotiation and agreement between the governments of Israel and Jordan in the context of an overall peace settlement, taking into account the interests of its inhabitants, of the international religious communities who hold it sacred and of other countries in the area.

In December 1969, Secretary Rogers stated: "We have made clear repeatedly in the past two and one-half years that we cannot accept unilateral actions by any party to decide the final status of the city." The Secretary then delineated a number of principles which in our view would provide an equitable framework for a final Jerusalem settlement:

1. Jerusalem should be a unified city,
2. There should be open access to the unified city for persons of all faiths and nationalities,
3. Administrative arrangements for the unified city should take into account the interest of all its inhabitants and of the Christian, Jewish, and Muslim communities; and
4. There should be roles for both Israel and Jordan in the civic, economic and religious life of the city.

Earlier in 1969 in this hall, my distinguished predecessor, Charles Yost, addressed himself more specifically to the kinds of matters which are responsible for our presence here today. He said, and let me just review it briefly: "The expropriation or confiscation of land, the construction of housing on such land, the demolition or confiscation of buildings, including those having historic or religious significance, and the application of Israeli law to occupied portions of the city are detrimental to our common interests in the city." He noted as well that the United States considers that part of Jerusalem which came under Israeli control like other areas occupied by Israel in the June 1967 war, as occupied territory and thereby subject to the provisions of international law governing the rights and obligations of an occupying power.

We regret Israel's failure to acknowledge its obligations under the Fourth Geneva Convention as well as its actions which are contrary to the letter and spirit of this Convention. We are distressed that the actions of Isreal in the occupied portion of Jerusalem give rise to understandable concern that the eventual disposition of the occupied section of Jerusalem may be prejudiced. The Report of the Secretary General on the Work of the Organization, 1970-71, reflects the concern of many Governments over changes in the face of this city. We have on a number of occasions discussed this matter with the Government of Israel, stressing the need to take more fully into account the sensitivities and concerns of others. Unfortunately, the response of the Government of Israel has been disappointing.

All of us understand, as I indicated earlier in these remarks, that Jerusalem has a very special place in the Judaic tradition, one which has great meaning for Jews throughout the world. At the same time Jerusalem holds a special place in the hearts of many millions of Christians and Moslems throughout the world. In this regard, I want to state clearly that we believe Israel's respect for the Holy Places has indeed been exemplary. But an Israeli occupation policy made up of unilaterally determined practices cannot help promote a just and lasting peace any more than that cause was served by the status quo in Jerusalem prior to June 1967 which, I want to make clear, we did not like and we do not advocate re-establishing.

In conclusion, I would note that the resolution before us today, as in the past, calls for a report on the situation in Jerusalem. We have supported this resolution not because we agree fully with every provision in it; some elements in it in fact, as I mentioned to our distinguished colleague from Somalia, gave us difficulty. But we have supported this resolution out of the belief that it was time to reiterate our concern that nothing be done in Jerusalem that can prejudice an ultimate and peaceful solution.

18. RESOLUTION 271, SEPTEMBER 15, 1969

Resolution 271 (1969)

of 15 September 1969

The Security Council,

Grieved at the extensive damage caused by arson to the Holy Al Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel,

Mindful of the consequent loss to human culture,

Having heard the statements made before the Council reflecting the universal outrage caused by the act of sacrilege in one of the most venerated shrines of mankind,

Recalling its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, concerning measures and actions by Israel affecting the status of the City of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolutions 252 (1968) and 267 (1969);

2. *Recognizes* that any act of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem or any encouragement of, or connivance at, any such act may seriously endanger international peace and security;

3. *Determines* that the execrable act of desecration and profanation of the Holy Al Aqsa Mosque emphasizes the immediate necessity of Israel's desisting from acting in violation of the aforesaid resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem;

4. *Calls upon* Israel scrupulously to observe the provisions of the Geneva Conventions[13] and international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem, including any co-operation that Council may desire from countries with predominantly Moslem population and from Moslem communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem;

5. *Condemns* the failure of Israel to comply with the aforementioned resolutions and calls upon it to implement forthwith the provisions of these resolutions;

6. *Reiterates* the determination in paragraph 7 of resolution 267 (1969) that, in the event of a negative response or no response, the Security Council shall convene without delay to consider what further action should be taken in this matter;

7. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date.

Adopted at the 1512th meeting by 11 votes to none, with 4 abstentions (Colombia, Finland, Paraguay, United States of America).

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[13] Geneva Conventions of 12 August 1949 (United Nations, *Treaty Series*, vol. 75 (1950), Nos. 970-973).

19. U.S. STATEMENT BY AMBASSADOR CHARLES W. YOST, OF JULY 1, 1969

UNITED STATES MISSION
TO THE UNITED NATIONS

FOR IMMEDIATE RELEASE

Press Release USUN-70(69)
July 1, 1969

Statement by Ambassador Charles W. Yost, United States Representative to the United Nations, in the Security Council, on the situation in Jerusalem, July 1, 1969.

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Once again the Council has been summoned to deal with certain actions taken by theGovernment of Israel in Jerusalem. We have listened carefully to the statements of the Permanent Representative of Jordan and other Arab Ambassadors, as well as the reply of the Representative of Israel.

The discussion thus far has made amply clear that the status of Jerusalem is not an isolated problem, but, rather, an integral part of a whole complex of issues in the current Middle Eastern conflict which must be resolved. This is not a novel conclusion. The Council clearly recognized that fact in Resolution 242, which treats the entire Middle Eastern situation as a package. This resolution remains the basis of our approach to a just and lasting peace in the area. You are all well aware of the strenuous efforts my own Government is making to help Ambassador Jarring promote a peaceful settlement. Progress in these efforts has, admittedly, been slow. This is perhaps not surprising when one reflects on how deep the roots of the conflict go. But the important thing is that some progress is being made. The fact that it has not been crowned with dramatic success should not give grounds for despair. Nor should it be exploited as justification for actions, which will make greater progress even more difficult. This applies to actions in Jerusalem as elsewhere in the area. Indeed, Jerusalem occupies a very special place in all our minds and all our hearts as one of the holiest cities in the entire world. For Jerusalem is a sacred shrine to three of the world's largest and oldest religious faiths: Islam, Christianity and Judaism. By virtue of that fact the United States has always considered that Jerusalem enjoys a unique international standing and that no action should be taken there without full regard to Jerusalem's special history and special place in the world community. Unfortunately there have been acts of many kinds which have broken the peace in Jerusalem and which are of deep concern to my Government and to the international community. Mr. President, we understand the deep emotional concerns which move all parties to the Arab-Israeli dispute on the subject of Jerusalem. We do not believe, however, that any of these concerns are served by what is now taking place in East Jerusalem, whether it be actions by those now exercising authority there or by individuals considering themselves aggrieved and therefore justified in resorting to violence. The expropriation or confiscation of land, the construction of housing on such land, the demolition or confiscation of buildings, including those having historic or religious significance, and the application of Israeli law to occupied portions of the city are detrimental to our common interests in the city. The United States considers that the part of Jerusalem that came under the control of Israel in the June war, like other areas occupied by Israel, is occupied territory and hence subject to the provisions of international law governing the rights and obligations of an occupying power. Among the provisions of international law which bind Israel, as they would bind any occupier, are the provisions that theoccupier has no right to make changes in laws or in administration other than those which are temporarily necessitated by his security interest, and that an occupier may not confiscate or destroy private property. The pattern of behavior authorized under the Geneva Convention and international law is clear: the occupier must maintain the occupied area as intact and unaltered as possible, without interfering with the customary life of the area, and any changes must be necessitated by immediate needs of the occupation. I regret to say that the actions of Israel in the occupied portion of Jerusalem present a different picture, one which gives rise to understandable concerns that the eventual disposition of East Jerusalem may be prejudiced and the rights and activities of the population are already being affected and altered.

My Government regrets and deplores this pattern of activity, and it has so informed the Government of Israel on numerous occasions since June 1967. We have consistently refused to recognize these measures as having anything but a provisional character and do not accept them as affecting the ultimate status of Jerusalem.

I have explained in some detail the opposition of the United States to certain measures taken by the Government of Israel in Jerusalem, since this is the precise object of the complaint brought before us by the Government of Jordan. But, as I suggested earlier, we cannot logically and intelligently consider theproblem of Jerusalem without putting it in its proper perspective -- the Middle East situation as a whole. In this connection, I would recall that o one of the first major policy decisions taken by President Nixon after assuming office this year was that the United States Government should take new initiatives in helping to try to bring peace in the Middle East. For the past several months we have been devoting our best efforts to this task. We shall continue to do so but for these efforts to succeed we will require the goodwill and cooperation of the parties themselves. A just and lasting peace in the Middle East is long and tragically overdue. It will not be found through terror bombings, which inevitably harm innocent civilians, any more than through unilateral attempts to alter the status of Jerusalem. It will be found only through the instruments and processes of negotiation, accommodation and agreement. It will come only through the exercise by the parties of the utmost restraint -- not just along the cease-fire lines or in public statements, but also on the ground in Jerusalem itself.

In treating the problem of Jerusalem, since we deal with it in the context of the total situation in the Middle East, my Delegation will subject any proposal for Council action, first of all, to the test of whether that proposal is likely to help or hinder the peaceful settlement process. I hope all members will do likewise. For example, one constructive move the Council might make would be to request the parties to lay aside their recriminations, to desist from any action -- in Jerusalem or elsewhere -- that might be construed as prejudicing or prejudging a final, comprehensive settlement, a just and lasting peace. Thus, our consideration of the situation in Jerusalem could provide a fitting occasion on which to insist once more that the parties to a dispute which keeps the world's Holiest City in turmoil act responsibly to resolve the whole dispute and, until it is resolved, that they take no action anywhere which could further jeopardize its resolution.

20. RESOLUTION 267, JULY 19, 1969

RESOLUTION 267 (1969)

Adopted by the Security Council at its 1485th meeting,
on 3 July 1969

The Security Council,

Recalling its resolution 252 of 21 May 1968 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 respectively concerning measures and actions by Israel affecting the status of the City of Jerusalem,

Having heard the statements of the parties concerned on the question,

Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures tending to change the status of the City of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolution 252 (1968);

2. *Deplores* the failure of Israel to show any regard for the General Assembly and Security Council resolutions mentioned above;

3. *Censures* in the strongest terms all measures taken to change the status of the City of Jerusalem;

4. *Confirms* that all legislative and administrative measures and actions by Israel which purport to alter the status of Jerusalem including expropriation of land and properties thereon are invalid and cannot change that status;

5. *Urgently calls* once more upon Israel to rescind forthwith all measures taken by it which may tend to change the status of the City of Jerusalem, and in future to refrain from all actions likely to have such an effect;

6. *Requests* Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of this resolution;

7. *Determines* that, in the event of a negative response or no response from Israel, the Security Council shall reconvene without delay to consider what further action should be taken in this matter;

8. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution.

21. RESOLUTION 252, MAY 21, 1968

Resolution 252 (1968)

of 21 May 1968

The Security Council,

Recalling General Assembly resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967,

Having considered the letter of the Permanent Representative of Jordan on the situation in Jerusalem (S/8560)[28] and the report of the Secretary-General (S/8146),[29]

Having heard the statements made before the Council,

Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures and actions in contravention of those resolutions,

Bearing in mind the need to work for a just and lasting peace,

Reaffirming that acquisition of territory by military conquest is inadmissible,

1. *Deplores* the failure of Israel to comply with the General Assembly resolutions mentioned above;

2. *Considers* that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

3. *Urgently calls upon* Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;

4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution.

Adopted at the 1426th meeting by 13 votes to none, with 2 abstentions (Canada and United States of America).

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[27] *Ibid., Twenty-third Year, Supplement for April, May and June 1968.*

[28] *Ibid.*

[29] *Ibid., Twenty-second Year, Supplement for July, August and September 1967.*

22. U.S. STATEMENT OF MAY 21, 1968

FOR RELEASE ON DELIVERY **Press Release USUN-70(68)**
CHECK TEXT AGAINST DELIVERY **May 21, 1968**

Statement by Ambassador Arthur J. Goldberg, United States Representative, in the Security Council, on the Question of Jerusalem.

Mr. President, the United States had strongly hoped that, in dealing with the question of Jerusalem, it would have been possible for this Council to act with the same unanimous agreement that has characterized the handling of every facet of the Middle East situation which has come before the Council since the Middle East war erupted last June.

We backed up that hope with intensive consultations to formulate the elements of a resolution which could comment unanimous support. We greatly regret these efforts were not successful and that our hope was not fulfilled. While sharing many of the concerns which have motivated members of the Council to support the resolution presented by Pakistan and Senegal, the United States finds it impossible to lend its support to that resolution.

I wish to use this occasion to explain briefly the reasons we have come to this conclusion:

Fundamental to our position have been two convictions: First, that this Council should encourage and support the peacemaking process we initiated last Fall in Security Council Resolution 242; second, that this Council and indeed all concerned should avoid any action that might prejudice the efforts to achieve a just and lasting peace in the area, including actions or measures purporting to alter the status of Jerusalem.

We find the resolution placed before us seriously deficient on these two counts. Our own view has been and remains that the future of Jerusalem is a problem which falls within the purview of Security Council Resolution 242 and of Ambassador Jarring's mandate. I wish to reaffirm the view of the United States Government that the United States, while agreeing that Jerusalem is a most important issue, does not believe that the problem of Jerusalem can realistically be dealt with apart from other aspects of the situation in the Middle East with which the November 22 resolution is concerned. Nor do we believe that Jerusalem can be excluded from the scope of the November 22 resolution. Rather, we consider it essential that a peaceful and accepted settlement in conformity with the November 22 resolution encompass all aspects of the Middle East problem, including Jerusalem.

We have sensed general agreement with this view among the members of the Council. Nevertheless, the resolution presented and to be voted on this afternoon — in our view — unfortunately would work in the direction of separating out and dealing with in isolation one particular aspect of the Middle East situation, the question of Jerusalem. This is not the course envisaged in Resolution 242 of last November -- the Resolution which, we believe, must remain the touchstone of all steps toward a desirable settlement in the Middle East. It is not, accordingly, a course which my Government favors — with regard to Jerusalem or any other of the many specific problems which must be resolved to arrive at the peaceful and accepted settlement called for in Resolution 242.

As I stated to the Council on May 9, the United States believes that one of the most constructive contributions this Council could make at this juncture of the difficult search for a Middle Eastern settlement would be an explicit expression of its support for the peacemaking efforts in which Ambassador Jarring, at the behest of this Council acting unanimously, has been and remains engaged. The absence of this element from the resolution before the Council is a further reason my Government cannot support it.

Further, the United States is not in a position to vote favorably on a text which contains specific — and selective — reference to two General Assembly resolutions on which we previously abstained for reasons explained at the time of their adoption.

Mr. President, the United States had made a maximum effort to build upon the basis which exists for unanimity in this Council's disposition of the question immediately before us in this debate. We have been prepared to declare that unilateral actions and measures by Israel cannot be accepted and are not recognized as altering or prejudging the status of Jerusalem, and to call upon Israel to refrain from such actions. At the same time, we have regarded it as essential that the Council call upon all parties to avoid all acts that might prejudice efforts to achieve a just and lasting peace in the area and express its support for Ambassador Jarring's efforts under Resolution 242.

For the members of the Council, the search for a peaceful and accepted settlement is not only an opportunity; it is a responsibility. It is one which all members of this Council assumed when they empowered the Secretary General's Representative to promote agreement and assist efforts to achieve such a settlement. I very much regret that it has not been possible today to preserve the unanimity which has characterized the Council's work since the tragic conflict of last June. It is my profound hope that it will be possible to return to unanimity in the coming days and weeks.

Having participated all through this past year in the strenuous efforts of the Security Council concerning the Middle East, I find that my dominant impression comes not from any expressions of hostility or bitterness, which are unfortunate but perhaps inevitable; it comes rather from those few decisive moments in which fifteen nations, representing all the diverse interests and cultures of the world, were able to rise above their particular predilections and unite on the necessity that is common to us all in this world in which survival still remains an open question: the necessity to live together in peace and tolerance.

From those decisive moments -- especially that moment last November 22 which will certainly live in United Nations history -- I do not derive any false comfort, for hard tasks lie ahead. But I do derive much hope from this record, because it proves what we can do together at our best. And I pray, Mr. President, that in future days this Council will perform again and again at its best, until it has overcome even the most stubborn difficulties on the road toward peace.

23. RESOLUTION 237, JUNE 14, 1967

Resolution 237 (1967)

of 14 June 1967

The Security Council,

Considering the urgent need to spare the civil populations and the prisoners of the war in the area of conflict in the Middle East additional sufferings,

Considering that essential and inalienable human rights should be respected even during the vicissitudes of war,

Considering that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949[5] should be complied with by the parties involved in the conflict,

1. *Calls upon* the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities;

2. *Recommends* to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Conventions of 12 August 1949;[6]

3. *Requests* the Secretary-General to follow the effective implementation of this resolution and to report to the Security Council.

Adopted unanimously at the 1361st meeting.

Résolution 237 (1967)

du 14 juin 1967

Le Conseil de sécurité,

Considérant l'urgente nécessité d'épargner aux populations civiles et aux prisonniers de guerre dans la zone du conflit du Moyen-Orient des souffrances supplémentaires,

Considérant que les droits de l'homme essentiels et inaliénables doivent être respectés même dans les vicissitudes de la guerre,

Considérant que les parties impliquées dans le conflit doivent se conformer à toutes les obligations de la Convention de Genève relative au traitement des prisonniers de guerre, du 12 août 1949[5],

1. *Prie* le Gouvernement israélien d'assurer la sûreté, le bien-être et la sécurité des habitants des zones où des opérations militaires ont eu lieu et de faciliter le retour des habitants qui se sont enfuis de ces zones depuis le déclenchement des hostilités;

2. *Recommande* aux gouvernements intéressés de respecter scrupuleusement les principes humanitaires régissant le traitement des prisonniers de guerre et la protection des civils en temps de guerre, tels qu'ils sont énoncés dans les Conventions de Genève du 12 août 1949[6];

3. *Prie* le Secrétaire général de suivre l'application effective de la présente résolution et de faire rapport au Conseil de sécurité.

Adoptée à l'unanimité à la 1361e séance.

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[5] United Nations, *Treaty Series*, vol. 75 (1950), No. 972.

[6] United Nations, *Treaty Series*, vol. 75 (1950), Nos. 970-973.

[5] Nations Unies, *Recueil des Traités*, vol. 75, 1950, nº 972.

[6] Nations Unies, *Recueil des Traités*, vol. 75, 1950, nºs 970 à 973.

Decisions

At its 1365th meeting, on 8 July 1967, the Council decided to invite the representatives of Israel, the United Arab Republic, Syria, Jordan, Lebanon, Iraq, Morocco, Saudi Arabia, Kuwait, Tunisia, Libya and Pakistan to participate, without vote, in the discussion of the item entitled:

"Letter dated 23 May 1967 from the Permanent Representatives of Canada and Denmark addressed to the President of the Security Council (S/7902);[7]

"Complaint of the representative of the United Arab Republic in a letter to the President of the Security Council dated 27 May 1967 entitled 'Israel aggressive policy, its repeated aggression threatening peace and security in the Middle East and endangering international peace and security' (S/7907);[7]

"Letter dated 29 May 1967 from the Permanent Representative of the United Kingdom addressed to the President of the Security Council (S/7910);[7]

"Letter dated 9 June 1967 from the Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council concerning an item entitled 'Cessation of military action by Israel and withdrawal of the Israel forces from those parts of the territory of the United Arab Republic, Jordan and Syria which they have seized as a result of an aggression' (S/7967);[7]

"Letter dated 8 July 1967 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8043);[8]

"Letter dated 8 July 1967 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8044)".[8]

At its 1366th meeting, on 9 July 1967, the Council decided to invite the representative of Algeria to participate, without vote, in the discussion of the question.

At the same meeting, the President read the following statement as representing the consensus of the views of the members of the Council:

"Recalling Security Council resolutions 233 (1967) of 6 June, 234 (1967) of 7 June, 235 (1967) of 9 June and 236 (1967) of 11 June 1967, and emphasizing the need for all parties to observe scrupulously the provisions of these resolutions, having heard the statements made by the Secretary-General and the suggestions he has addressed to

Décisions

A sa 1365e séance, le 8 juillet 1967, le Conseil a décidé d'inviter les représentants d'Israël, de la République arabe unie, de la Syrie, de la Jordanie, du Liban, de l'Irak, du Maroc, de l'Arabie Saoudite, du Koweït, de la Tunisie, de la Libye et du Pakistan à participer, sans droit de vote, à la discussion de la question intitulée :

"Lettre, en date du 23 mai 1967, adressée au Président du Conseil de sécurité par les représentants permanents du Canada et du Danemark (S/7902[7]);

"Plainte du représentant de la République arabe unie, contenue dans une lettre adressée au Président du Conseil de sécurité, en date du 27 mai 1967, et intitulée "La politique d'agression d'Israël, ses actes d'agression répétés qui menacent la paix et la sécurité au Moyen-Orient et mettent en danger la paix et la sécurité internationales" (S/7907[7]);

"Lettre, en date du 29 mai 1967, adressée au Président du Conseil de sécurité par le représentant permanent du Royaume-Uni (S/7910[7]);

"Lettre, en date du 9 juin 1967, adressée au Président du Conseil de sécurité par le représentant permanent de l'Union des Républiques socialistes soviétiques, et relative à une question intitulée "Cessation des activités militaires d'Israël et retrait des forces israéliennes des parties du territoire de la République arabe unie, de la Jordanie et de la Syrie dont elles se sont emparées à la suite d'une agression" (S/7967[7]);

"Lettre, en date du 8 juillet 1967, adressée au Président du Conseil de sécurité par le représentant permanent de la République arabe unie (S/8043[8]);

"Lettre, en date du 8 juillet 1967, adressée au Président du Conseil de sécurité par le représentant permanent d'Israël (S/8044[8])".

A sa 1366e séance, le 9 juillet 1967, le Conseil a décidé d'inviter le représentant de l'Algérie à participer, sans droit de vote, à la discussion de la question.

A la même séance, le Président a lu la déclaration ci-après qui exprimait le consensus des membres du Conseil :

"Rappelant les résolutions 233 (1967), 234 (1967), 235 (1967) et 236 (1967) du Conseil de sécurité, en date des 6, 7, 9 et 11 juin 1967, et soulignant la nécessité pour toutes les parties de respecter scrupuleusement les dispositions de ces résolutions, ayant entendu les déclarations du Secrétaire général et les suggestions qu'il a faites aux

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[7] See *Official Records of the Security Council, Twenty-second Year, Supplement for April, May and June 1967.*

[8] *Ibid., Supplement for July, August and September 1967.*

[7] Voir *Documents officiels du Conseil de sécurité, vingt-deuxième année, Supplément d'avril, mai et juin 1967.*

[8] *Ibid., Supplément de juillet, août et septembre 1967.*

24. Statements by Ambassador Arthur J. Goldberg, July 4 and 14, 1967

UNITED STATES DELEGATION
TO THE FIFTH EMERGENCY SPECIAL SESSION OF THE
GENERAL ASSEMBLY OF THE UNITED NATIONS

FOR IMMEDIATE RELEASE

PRESS RELEASE USUN-118
July 4, 1967

Statement by Ambassador Arthur J. Goldberg, United States Representative to the United Nations, in explanation of vote on the six-power resolution dealing with the City of Jerusalem.

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The United States abstained on the six-power resolution dealing with the City of Jerusalem contained in Document A/L.527/Rev. 1.

Insofar as the six-power resolution expresses the sense of the General Assembly that no unilateral action should be taken that might prejudice the future of Jerusalem, the United States is in agreement. We were prepared to support a resolution to this effect. Some, if not all, of the sponsors were aware that the United States made a serious effort to get such a change incorporated in the resolution in the hope that we would be able to vote affirmatively. Regretably our suggested change was not accepted.

The views of the United States on the situation involving Jerusalem are contained in three recent statements. On June 28, in a statement issued by the White House on behalf of the President, the United States expressed the view that there must be adequate recognition of the special interests of the three great religions of the Holy Places in Jerusalem. On the same day the Department of State said the following: "The United States has never recognized . . . unilateral action by any of the states in the area as governing the international status of Jerusalem." I reiterated in the General Assembly yesterday: that the "safeguarding of the Holy Places and the freedom of access to them for all should be internationally guaranteed; and the status of Jerusalem in relationship to them should be decided not unilaterally but in consultation with all concerned."

These statements reflect the considered views and serious concern of the United States Government about the situation in Jerusalem.

UNITED STATES MISSION
TO THE UNITED NATIONS

FOR IMMEDIATE RELEASE

PRESS RELEASE USUN-124
JULY 14, 1967

Statement by Ambassador Arthur J. Goldberg, United States Representative to the United Nations, in Plenary Session, In Explanation of Vote on the Resolution on Jerusalem, July 14, 1967

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Mr. President, the goal of the United States in the Middle East, one we believe shared by the great preponderance of the world community, is a durable peace and enduring settlement. We conceive of this goal as requiring throughout the area far more than a return to the temporary and fragile truce which erupted into tragic conflict on June 5.

We are convinced, both by logic and the unforgettable experience of a tragic history, that there can be progress toward the durable peace in the entire area only if certain essential steps are taken. One immediate, obvious and imperative step is the disengagement of all forces and the withdrawal of Israeli forces to their own territory. A second and equally immediate, obvious and imperative step is the termination of any claims to a state of war or belligerency on the part of Arab states in the area.

These two steps are essential to progress towards a durable peace. They are equally essential if there is to be substance and concrete meaning to the basic Charter right of every state in the area, a right to which the United States remains firmly committed, the right to have its territorial integrity and political independence respected by all and free from the threat or use of force by all.

The United States stands ready to give its full support to practical measures to help bring about these steps -- withdrawal of forces and the termination of belligerent acts or claims as soon as possible.

But if our goal is a durable peace, it is imperative that there be greater vision both from this organization and from the parties themselves. It is imperative that all look beyond the immediate causes and effects of the recent conflict. Attention must also be focused, and urgently;

-- on reaching a just and permanent settlement of the refugee problem, which has been accentuated by recent events;

-- on means to ensure respect for the right of every member of the United Nations in the area to live in peace and security as an independent national state;

-- on arrangements so that respect for the territorial integrity and political independence of all states in the area is assured;

-- on measures to ensure respect for the rights of all nations to freedom of navigation and of innocent passage through international waterways;

-- on reaching agreement, both among those in the area and those outside, that economic development and the improvement of living standards should be given precedence over a wasteful arms race in the area.

In each and every one of the separate but related imperatives of peace, we recognize fully that agreement cannot be imposed upon the parties from outside. At the same time, we also believe that the machinery, experience and resources of the United Nations can be of immeasurable help in implementing agreements acceptable to the parties.

The offer of such assistance by this organization is dictated not only by the roots of United Nations reponsibility and involvement in the Middle East which have grown deep and strong over two decades; it is also dicated by our common determination, even duty, under the Charter to save succeeding generations in the Middle East from the scourge of another war.

It is against the background of this overall policy that my government has developed its attitudes toward the question of Jerusalem -- and I wish to make that attitude very explicit:

The views of my Government on Jerusalem have been expressed by the President of the United States and other high level officials.

On June 28, the White House made the following statement:

> "The President said on June 19 that in our view 'there must be adequate recognition of the special interests of three great religions in the holy places of Jerusalem.' On this principle he assumes that before any unilateral action is taken on the status of Jerusalem there will be appropriate consultation with religious leaders and others who are deeply concerned. Jerusalem is holy to Christians, to Jews, and to Moslems. It is one of the great continuing tragedies of history that a city which is so much the center of man's highest values has also been, over and over, a center of conflict. Repeatedly the passionate beliefs of one

> element have led to exclusion or unfairness for others. It has been so, unfortunately, in the last 20 years. Men of all religions will agree that we must now do better. The world must find an answer that is fair and recognized to be fair."

The second statement, released on the same day by the Department of State, read:

> "The hasty administrative action taken today cannot be regarded as determining the future of the Holy Places or the status of Jerusalem in relation to them.
>
> "The United States has never recognized such unilateral actions by any of the States in the area as governing the international status of Jerusalem."

During my own statement to the General Assembly on July 3, I said that the safeguarding of the Holy Places and freedom of access to them for all should be internationally guaranteed and the status of Jerusalem in relation to them should be decided not unilaterally but in consultation with all concerned. These statements represent the considered and continuing policy of the United States Government.

With regard to the specific measures taken by the Government of Israel on June 28, I wish to make it clear that the United States does not accept or recognize these measures as altering the status of Jerusalem. My Government does not recognize that the administrative measures taken by the Government of Israel on June 28 can be regarded as the last word on the matter, and we regret that they were taken. We insist that the measures taken cannot be considered other than interim and provisional, and not prejudging the final and permanent status of Jerusalem. Unfortunately and regrettably the statements of the Government of Israel on this matter have thus far, in our view, not adequately dealt with this situation.

Many delegations are aware that we were prepared to vote for a separate resolution on Jerusalem which would declare that the Assembly would not accept any unilateral action as determining the status of Jerusalem and calling on the Government of Israel to desist from any action purporting to define permanently the status of Jerusalem. However, the sponsors made clear then, as was their right, that they preferred to proceed with their own text in Document A/2253, and now with their resolution in A/L. 528, Rev. 2. The latter draft does include changes which we consider represent a marked improvement over the original version, particularly in that it no longer tends to prejudge action in the Security Council. Nevertheless, since the resolution just adopted expressly builds on Resolution 2253, on which we abstained for reasons which we stated publicly, consistent with that vote, we also abstained today. Even as revised, the resolution does not fully correspond to our views, particularly since it appears to accept by its call for recision of measures that the administrative measures which were taken constitute annexation of Jerusalem by Israel. and because we do not believe the problem of Jerusalem can realistically be solved apart from the other related aspects of Jerusalem and of the Middle Eastern situation. Therefore, the United States abstained.

We have of course recently expressed ourselves in a more formal sense by voting for a resolution dealing with the question of Jerusalem. This was the Latin American resolution contained inDocument A/L. 523 Rev. 1, which dealt with Jerusalem as one of the elements involved in a peaceful settlement in the Middle East.

It is in the treatment of one aspect of the problem of Jerusalem as an isolated issue, separate from the other elements of Jerusalem and of a peaceful settlement in the Middle East, that we were unable to support Resolution 2253. Certainly, Jerusalem, as has been pointed out universally, I think, by every speaker, is an important issue and, in our opinion, one which must necessarily be considered in the context of a settlement of all the problems arising out of the recent conflict. In Jerusalem there are transcendent spiritual interests. But there are also other important issues. And we believe that the most fruitful approach to a discussion of the future of Jerusalem lies in dealing with the entire problem as one aspect of the broader arrangements that must be made to restore a just and durable peace in the area. And we believe consistent with the resolution we were ready to sponsor, that this Assembly should have dealt with the problem by declaring itself against any unilateral change in the status of Jerusalem.

Mr. President, since we are approaching the end of this session on this important subject, in which remakrs were made not relating specifically to Jerusalem but ranging very broadly on other subjects, I cannot let this occasion pass without reference to some of the allegations made regarding my Government's role in the recent conflict in the Middle East. The charges that the United States instigated, encouraged or in any way participated in this tragic struggle are too unfounded to dignify by individual comment. I dealt with many of these falsehoods explicitly in the Security Council and will not take the time of the Assembly to go over the same ground here. I reaffirm what I said to the Security Council with respect to each and every one of these charges.

I will merely say that one positive note in this session has been the abandonment of the most vicious falsehood of all -- which could have been productive of the most disastrous consequences -- that United States planes and military personnel participated in the war on the side of Israel. Before the war broke out, we sought to prevent it by all means at our command. And once it began, we did everything in our power to bring it to an early end. The record of our diplomacy is very clear in this matter, despite comments which have been read from newspapers which scarcely characterize that diplomacy. And the record of the Security Council is plain and clear for everyone to read as to the actions we took, supported and initiated in the Security Council to bring the conflict to an end.

There is one charge about our position to which I believe no nation in this hall faithful to the Charter would feel any necessity to plead. That is the charge that we support the right of every sovereign state member of the United Nations to an independent national existence, its right to live in a spirit of peaceful coexistence and good neighborliness with all in the area. That is a charge which the Charter of the United Nations places on us all and which we should all readily accept and acknowledge.

Our view has remained steadfast -- before, during and now, after the conflict. We extend the hand of friendship to all states in the Middle East and express the fervent hope that as time heals the scars of war we can soon again join our common efforts in helping build a better, more enduring order in every state and throughout the area, with peace, justice, security and liberty for all.

Mr. President, so much vituperation has taken place in this Assembly, so unseemingly in a world forum, that I could not help recalling today a statement made by my distinguished predecessor who died two years ago today in the cause of peace, Adlai Stevenson. Adlai Stevenson, talking about our beloved Eleanor Roosevelt, said, "She would rather light a candle than curse the darkness." And I share that spirit. I do not see that anything is gained in the cause of peace in the Middle East by the vituperation which has taken place, vituperation not only against my country but against other, smallcountries, vituperation which has no place in this forum.

The time has come -- indeed, the time is long overdue -- for vituperation and bitterness to be tempered by sober realization of the difficulties ahead and the willingness to face them squarely and to do something about them.

What is needed is the wisdom and statesmanship of all those directly concerned and the members of the United Nations so that conditions of hate, too much ventilated in this hall, can be eventually replaced by conditions of good neighborliness.

What is needed above all in the area is a spirit of reconciliation which will someday hopefully , make possible a peace of reconciliation. I fervently hope that all in the area and all in this hall will approach the days ahead in this spirit.

V. United Nations General Assembly Documents

1. Resolution 34/90, January 21, 1980

Thirty-fourth session
Agenda item 51

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Special Political Committee (A/34/691/Add.1)]

34/90. Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories

A - US abstained

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights, 1/

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ as well as of other relevant conventions and regulations,

Recalling all its resolutions on the subject, in particular resolutions 32/91 B and C of 13 December 1977 and 33/113 C of 18 December 1978, as well as those adopted by the Security Council, the Commission on Human Rights and other United Nations organs concerned and by the specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 3/ which contains, inter alia, public statements made by leaders of the Government of Israel,

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its thoroughness and impartiality;

1/ General Assembly resolution 217 A (III).

2/ United Nations, Treaty Series, vol. 75. No. 973, p. 287.

3/ A/34/631.

2. Deplores the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. Calls again upon Israel to allow the Special Committee access to the occupied territories;

4. Deplores the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments, and condemns in particular those violations which that Convention designates as "grave breaches" thereof;

5. Condemns the following Israeli policies and practices:

(a) Annexation of parts of the occupied territories;

(b) Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto;

(c) Evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and denial of their right to return;

(d) Confiscation and expropriation of private and public Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other;

(e) Destruction and demolition of Arab houses;

(f) Mass arrests, administrative detention and ill-treatment of the Arab population;

(g) Ill-treatment and torture of persons under detention;

(h) Pillaging of archaeological and cultural property;

(i) Interference with religious freedoms and practices as well as family rights and customs;

(j) Illegal exploitation of the natural wealth, resources and population of the occupied territories;

6. Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant resolutions of the United Nations;

7. *Demands* that Israel desist forthwith from the policies and practices referred to in paragraphs 5 and 6 above;

8. *Reiterates its call* upon all States, in particular those States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 1 of that Convention, and upon international organizations and the specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including those in the field of aid, which might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

9. *Requests* the Special Committee, pending the early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories and to report to the Secretary General as soon as possible and whenever the need arises thereafter;

10. *Requests* the Special Committee to continue to investigate the treatment of civilians in detention in the Arab territories occupied by Israel since 1967;

11. *Requests* the Secretary-General:

(a) To finish all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, with a view to investigating the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To ensure the widest circulation of the reports of the Special Committee, and of information regarding its activities and findings, by all means available through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee which are no longer available;

(d) To report to the General Assembly at its thirty-fifth session on the tasks entrusted to him in the present paragraph;

12. *Decides* to include in the provisional agenda of its thirty-fifth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

99th plenary meeting
12 December 1979

B - US voted yes

The General Assembly,

Recalling its resolutions 3092 A (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975, 31/106 B of 16 December 1976, 32/91 A of 13 December 1977 and 33/113 A of 18 December 1978,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 4/

Noting that Israel and those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to that Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. Strongly deplores the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967;

3. Calls again upon Israel to acknowledge and to comply with the provisions of that Convention in Palestinian and other Arab territories it has occupied since 1967, including Jerusalem;

4. Urges once more all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with its provisions in Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem.

99th plenary meeting
12 December 1979

C - US voted yes

The General Assembly,

Recalling its resolutions 32/5 of 28 October 1977 and 33/113 B of 18 December 1978,

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4/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

Expressing grave anxiety and concern at the present serious situation in the occupied Arab territories as a result of the continued Israeli occupation and the measures and actions taken by the Government of Israel, as the occupying Power, and designed to change the legal status, geographical nature and demographic composition of those territories,

Considering that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 5/ is applicable to all the Arab territories occupied since 5 June 1967,

1. *Determines* that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction of efforts aimed at achieving a just and lasting peace in the Middle East;

2. *Strongly deplores* the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories;

3. *Calls again upon* Israel to comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

4. *Calls once more upon* the Government of Israel, as the occupying Power, to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem;

5. *Urges* all States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to respect and to exert all efforts in order to ensure respect for and compliance with its provisions in all the Arab territories occupied by Israel since 1967, including Jerusalem.

99th plenary meeting
12 December 1979

5/ *Ibid*.

2. U.S. Statement

SUMMARY RECORD OF THE 46th MEETING

Chairman: Mr. EL-CHOUFI (Syrian Arab Republic)

CONTENTS

AGENDA ITEM 51: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (continued)

COMPLETION OF THE COMMITTEE'S WORK

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Distr. GENERAL
A/SPC/34/SR.46
19 December 1979
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 3.25 p.m.

AGENDA ITEM 51. REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (continued) (A/34/631, A/34/694, A/34/720; A/SPC/34/7; A/SPC/34/L.19, L.20, L.23, L.24)

1. The CHAIRMAN drew the Committee's attention to three draft resolutions on the item under consideration: A/SPC/34/L.19, sponsored by Afghanistan, Bangladesh, India, Indonesia, Madagascar, Malaysia, Nigeria and Pakistan; A/SPC/34/L.23, sponsored by Afghanistan, Bangladesh, India, Indonesia, Madagascar, Malaysia, Mali, Nigeria, Pakistan and Yugoslavia; and A/SPC/34/L.24, sponsored by Afghanistan, Bangladesh, Guinea-Bissau, India, Indonesia, Madagascar, Mali, Pakistan and Turkey. Only the first had financial implications, as indicated in the relevant statement by the Secretary-General (A/SPC/34/L.20).

2. Mr. DORON (Israel) observed that draft resolution A/SPC/34/L.19 had been submitted to the Committee on 23 November 1979, the same day on which the report of the Special Committee (A/34/631) had been distributed, which showed the irresponsible manner in which such resolutions were prepared and presented, for there was no way in which the sponsors could have studied the report before preparing their draft resolution.

3. Like the other two drafts, draft resolution A/SPC/34/L.19 was for all practical purposes identical with the resolution adopted the previous year by the General Assembly. It complimented and commended the Special Committee for its work, although in truth there was no reason to do so. His delegation had shown in some detail that the conclusions in the report of the Special Committee were wrong and baseless, that the whole approach of that Committee to its task had been one-sided and prejudiced, and that the situation in the administered areas had been distorted. There was no justification for the condemnations contained in operative paragraph 5 of the draft resolution; some of the actions referred to in the list were not even mentioned in the report. The rest of the draft also had no substantive basis either in law or in fact.

4. As for draft resolution A/SPC/34/L.23, his delegation had pointed out time and again that, although Israel did not accept the applicability of the Fourth Geneva Convention to the administered areas, it did in actual fact apply its principles and even went beyond them. The applicability of the Convention was a matter for legal interpretation, but surely it was much better to permit the population to enjoy all the benefits of the Convention than to pay lip-service to its applicability and then disregard its provisions, as was being done in many areas of conflict. As a matter of fact, Israel was the only country anywhere that had honoured and applied the principles of the Convention.

5. Draft resolution A/SPC/34/L.24 passed judgement on the legal validity of all measures and actions taken by Israel in the areas concerned. The Special Political Committee was not competent to make such pronouncements, and the statements

concerning the alleged "obstruction of efforts aimed at achieving a just and lasting peace" was equally out of place. It was precisely resolutions like that one which obstructed the on-going peace process.

6. Without prejudice to Israel's total rejection of the three draft resolutions before the Committee, his delegation wished to register its strongest objection to the deliberately distorted and unacceptable terminology employed throughout those resolutions concerning the areas to which they purported to apply. He trusted that the drafts would not gain support, as they did not contribute to the cause of peace but were being put forward for the purpose of aggravating and complicating the existing situation.

7. The CHAIRMAN said that no other speakers were listed; if he heard no objection, he would take it that the Committee wished, as had been requested, to take a recorded vote on the three draft resolutions under consideration.

8. It was so decided.

9. Mr. COSTELLO (United States of America), speaking in explanation of vote before the vote, said that his delegation would vote in favour of draft resolutions A/SPC/34/L.23 and A/SPC/34/L.24 in accordance with the established policy of his Government. The United States believed that the establishment of Israeli settlements in the occupied territories, including the eastern sector of Jerusalem, was incompatible with international law and with the provisions of the Fourth Geneva Convention and was an obstacle to the peace process. His delegation felt that the expression "Palestinian and other Arab territories occupied since 1967" should not prejudice the results of negotiations. He recognized that the question of settlements confronted Israel with difficult and painful decisions from a religious standpoint and for valid security reasons. Greater sensitivity to the complex nature of the question should have been demonstrated during the discussions.

10. His delegation concurred with Egypt in welcoming the Israeli Government's decision to rescind the deportation order against the Mayor of Nablus. Israel, like other States, should observe international conventions and international law. It had committed itself to respect the rights of the Palestinians and had, with United States participation, engaged in negotiations with Egypt that were designed to translate principles into practical realities.

11. He hoped that those two draft resolutions would prompt Israel, in the interests of security, lasting peace and justice, to reconsider from a practical, legal and moral standpoint the policies it was applying in the occupied territories.

12. His delegation would vote against draft resolution A/SPC/34/L.19, in the belief that it contained accusations with little or no basis and would be prejudicial to the peace process.

13. A recorded vote was taken on draft resolution A/SPC/34/L.19.

In favour: Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Niger, Nigeria, Oman, Peru, Philippines, Poland, Portugal, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Guatemala, Israel, United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Dominican Republic, Finland, France, Germany, Federal Republic of, Honduras, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Panama, Suriname, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

14. Draft resolution A/SPC/34/L.19 was adopted by 87 votes to 3, with 25 abstentions.

15. A recorded vote was taken on draft resolution A/SPC/34/L.21.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of

Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel.

Abstaining: Dominican Republic, Malawi.

16. Draft resolution A/SPC/34/L.23 was adopted by 113 votes to 1, with 2 abstentions.

17. A recorded vote was taken on draft resolution A/SPC/34/L.24.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel.

Abstaining: Dominican Republic, Guatemala, Malawi.

18. Draft resolution A/SPC/34/L.24 was adopted by 113 votes to 1, with 3 abstentions.

19. Mr. CHAN (Australia) said that, while his delegation had voted in favour of draft resolution A/SPC/34/L.24, it took the expression "Palestinian and other Arab territories" to refer only to the territories occupied in 1967.

20. Mrs. [illegible] (Austria) said that her delegation had voted in favour of draft resolution A/SPC/34/L.23 but fully shared the view that the Geneva Convention relative to the Protection of Civilian Persons in Time of War was applicable in the present case. Her delegation had also voted in favour of draft resolution A/SPC/34/L.24 on the understanding that the expression "Palestinian and other Arab territories" meant the territories referred to in Security Council resolution 242 (1967).

21. Mr. McGRADY (Ireland), speaking on behalf of the nine member States of the European Economic Community, said that they had voted in favour of draft resolution A/SPC/34/L.23 and A/SPC/34/L.24. In the case of the former, the vote reaffirmed their belief that the Fourth Geneva Convention was applicable to the occupied territories. With regard to the second draft, the position of the nine on Israel's settlement policy was well known. Of course, the interpretation that they had given to the expression "Palestinian and other Arab territories" in past years still applied to the text of the two draft resolutions.

22. The countries of the Community had abstained in the vote on draft resolution A/SPC/34/L.19, which repeated resolution 33/113 C of the previous year on which they had also abstained. As at that time, their abstention reflected their reservations regarding resolution 2443 (XXIII), under which the Special Committee had been established. Furthermore, they objected to paragraphs 4 and 5 which contained elements whose implication seemed to be inappropriate. For example, there was an absence of conclusive proof of the use of torture (para. 5 (e)) by the Israeli authorities.

23. Mr. LEINO (Finland) said that his delegation had abstained in the vote on draft resolution A/SPC/34/L.19 because of serious reservations, particularly with regard to paragraphs 4 and 5. It was important to find a lasting solution to the Middle East problem which took due account of the rights of the Palestinians. He therefore considered it essential to have a comprehensive,reliable picture of the situation and regretted the fact that the Government of Israel had refused to allow the Special Committee access to the occupied territories.

24. Mr. PHILON (Greece) said that his delegation had voted in favour of the three draft resolutions. He regretted the fact that the Israeli authorities had refused to heed the appeals by the United Nations and the world-wide condemnation of the policies being applied in the occupied territories, particularly the establishment of settlements.

25. He noted that the question contained elements that were of vital importance for all international problems resulting from military occupation aimed at acquiring territories by force and unilaterally changing their demographic and geographical characteristics and political status. In the present case as in others of similar nature the question of human rights should be discussed in its own terms, excluding any considerations of political expediency. It was regrettable that the Israeli authorities had denied the Special Committee entry to the occupied areas. As in other international situations, it suited the purposes of occupation authorities to refuse entry to investigative bodies and then claim that the reports were incomplete. In the present case, there was sufficient factual evidence, including official statements by the Israeli authorities.

(Mr. Philon, Greece)

26. As had been noted by the Special Committee, occupation constituted in and of itself a violation of human rights of the civilian population of the occupied territories. The events that had occurred since the submission of the previous report of the Special Committee showed that Israel was trying to create a *de facto* situation that would enable it to go ahead with its colonialist policies.

27. Israel refused to concede the applicability of the Geneva Convention. It was unacceptable for occupation authorities anywhere in the world to reject the minimum standards laid down by international instruments. To tolerate the policies of the Israeli occupation authorities in any manner whatsoever would mean encouraging the same thing to happen in other cases of military occupation, thus imperilling international peace and justice. His delegation considered it essential to heed the appeals of the United Nations and to comply strictly with its resolutions.

28. Mr. DÖLLING (Sweden) and Ms. LØNNINGDAL (Norway) said that they had voted in favour of draft resolution A/SPC/34/L.23 on the understanding that the territories referred to in paragraphs 1, 3 and 4 were the same as those referred to by Security Council resolution 242 (1967).

29. Mr. VILLAGRÁN (Guatemala) said he recognized that violations of human rights must be condemned wherever they occurred, however, his delegation could not accept some of the provisions of the draft resolutions just adopted, even though it was in agreement with principles set forth in them and was aware that the settlement policy being pursued by Israel constituted a serious obstacle to the achievement of a stable peace in the Middle East. Accordingly, his delegation had voted against draft resolution A/SPC/34/L.19, which contained unacceptable elements and had abstained in the votes on draft resolutions A/SPC/34/L.23 and A/SPC/34/L.24.

30. Mr. THAMAE (Lesotho) and Mr. GONZALEZ (El Salvador) said that, if their delegations had been present at the time of the vote, they would have voted in favour of the three draft resolutions.

COMPLETION OF THE COMMITTEE'S WORK

31. After an exchange of courtesies, the CHAIRMAN announced that the Special Political Committee had completed its work at the thirty-fourth session.

The meeting rose at 4.15 p.m.

3. Resolution 33/113, December 18, 1978

33/113. Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories

A – US voted yes

The General Assembly,

Recalling its resolutions 3092 A (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975, 31/106 B of 16 December 1976 and 32/91 A of 13 December 1977,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[29]

Noting that Israel and those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to that Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem;

2. *Strongly deplores* the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967;

3. *Calls again upon* Israel to acknowledge and to comply with the provisions of that Convention in all the Arab territories it has occupied since 1967, including Jerusalem;

4. *Urges once more* all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem.

87th plenary meeting
18 December 1978

B – US voted yes

The General Assembly,

Recalling its resolution 32/5 of 28 October 1977,

Expressing grave anxiety and concern over the present serious situation in the occupied Arab territories as a result of the continued Israeli occupation and the measures and actions taken by the Government of Israel, as the occupying Power, and designed to change the legal status, geographical nature and demographic composition of those territories,

Considering that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[30] is applicable to all the Arab territories occupied since 5 June 1967,

1. *Determines* that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction of efforts aimed at achieving a just and lasting peace in the Middle East;

2. *Strongly deplores* the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories;

3. *Calls upon* Israel to comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

4. *Calls once more upon* the Government of Israel, as the occupying Power, to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem;

5. *Urges* all States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to respect and to exert all efforts in order to ensure respect for and compliance with its provisions in all the Arab territories occupied by Israel since 1967, including Jerusalem.

87th plenary meeting
18 December 1978

C – US voted no

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[illegible] as well as of other relevant conventions and regulations,

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[29] United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

[30] *Ibid.*

Recalling all its resolutions on the subject, in particular resolutions 32/91 B and C of 13 December 1977, as well as those adopted by the Security Council, the Commission on Human Rights and other United Nations organs concerned and by the specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,[illegible] which contains, *inter alia*, public statements made by leaders of the Government of Israel,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its thoroughness and impartiality;

2. *Deplores* the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. *Calls again upon* Israel to allow the Special Committee access to the occupied territories;

4. *Deplores* the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments, and condemns in particular those violations which that Convention designates as "grave breaches" thereof;

5. *Condemns* the following Israeli policies and practices:

(*a*) Annexation of parts of the occupied territories;

(*b*) Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto;

(*c*) Evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and denial of their right to return;

(*d*) Confiscation and expropriation of private and public Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other;

(*e*) Destruction and demolition of Arab houses;

(*f*) Mass arrests, administrative detention and ill-treatment of the Arab population;

(*g*) Ill-treatment and torture of persons under detention;

(*h*) Pillaging of archaeological and cultural property;

(*i*) Interference with religious freedoms and practices as well as family rights and customs;

(*j*) Illegal exploitation of the natural wealth, resources and population of the occupied territories;

6. *Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;

7. *Demands* that Israel desist forthwith from the policies and practices referred to in paragraphs 5 and 6 of the present resolution;

8. *Reiterates* its call upon all States, in particular those States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 1 of that Convention, and upon international organizations and the specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including those in the field of aid, which might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

9. *Requests* the Special Committee, pending the early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

10. *Requests* the Special Committee to continue to investigate the treatment of civilians in detention in the Arab territories occupied by Israel since 1967;

11. *Requests* the Secretary-General:

(*a*) To render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, with a view to investigating Israeli policies and practices referred to in the present resolution;

(*b*) To continue to make available additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(*c*) To ensure the widest circulation of the reports of the Special Committee, and of information regarding its activities and findings, by all means available through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee which are no longer available;

(*d*) To report to the General Assembly at its thirty-fourth session on the tasks entrusted to him in the present paragraph;

12. *Decides* to include in the provisional agenda of its thirty-fourth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

87th plenary meeting
18 December 1978

[illegible] *Ibid.*

[illegible] A/33/356.

4. U.S. STATEMENT

STATEMENT BY ANGELIQUE O. STAHL, UNITED STATES REPRESENTATIVE IN THE SPECIAL POLITICAL COMMITTEE IN EXPLANATION OF VOTE ON ISRAELI PRACTICES AND THE OCCUPIED ARAB TERRITORIES NOVEMBER 27, 1978

MR. CHAIRMAN:

I AM PLEASED TO HAVE THE OPPORTUNITY TO EXPLAIN THE U.S. VOTE ON THE THREE RESOLUTIONS WE HAVE HAD UNDER CONSIDERATION TODAY. I BELIEVE, MR. CHAIRMAN, THAT MY STATEMENT WILL DEMONSTRATE CLEARLY THE STRONG COMMITMENT OF THE UNITED STATES TO THE CAUSE OF PEACE IN THE MIDDLE EAST AND TO THE PRINCIPLE OF PEACEFUL NEGOTIATION OF DISPUTES AS WELL.

THE UNITED STATES HAS VOTED IN FAVOR OF RESOLUTION A/SPC/33/L.16 REGARDING ISRAELI CIVILIAN SETTLEMENTS IN THE TERRITORIES OCCUPIED IN 1967. THIS MATTER IS ONE OF SERIOUS CONCERN TO MY GOVERNMENT AND WE HAVE MADE OUR POSITION CLEAR ON A NUMBER OF OCCASIONS SINCE 1967.

AS AMBASSADOR YOUNG STATED LAST YEAR IN SPEAKING TO THE GENERAL ASSEMBLY, WE ARE OPPOSED TO SETTLEMENTS IN OCCUPIED TERRITORY FIRST, BECAUSE WE BELIEVE THEY COULD BE PERCEIVED AS PREJUDGING THE OUTCOME OF NEGOTIATIONS TO DEAL WITH THE TERRITORIAL ASPECTS OF FINAL PEACE TREATIES, AND SECOND, BECAUSE WE BELIEVE THEY ARE INCONSISTENT WITH INTERNATIONAL LAW AS DEFINED IN THE FOURTH GENEVA CONVENTION. WE BELIEVE THIS ISSUE MUST BE DEALT WITH IN THE COURSE OF THE PEACE NEGOTIATIONS.

THE RESOLUTION ON WHICH WE HAVE JUST VOTED IS CONSISTENT IN MOST RESPECTS WITH THE U.S. POSITION. AND, MR. CHAIRMAN, I MUST NOTE OUR SATISFACTION WITH THE FACT THAT, IN CONTRAST TO SIMILAR RESOLUTIONS IN THE PAST, IT STATES A POSITION OF PRINCIPLE, WITH WHICH MOST NATIONS WOULD AGREE, BUT IT DOES NOT ATTEMPT TO INSTITUTE MEASURES BY THE SECRETARY GENERAL, THIS ASSEMBLY OR THE SECURITY COUNCIL WHICH WOULD HINDER THE PROCESS OF NEGOTIATIONS TOWARD PEACE NOW UNDERWAY. RATHER, THE RESOLUTION SETS FORTH IN CLEAR LANGUAGE THE VIEWS OF THE INTERNATIONAL COMMUNITY ON THE QUESTION OF CIVILIAN SETTLEMENTS IN THE OCCUPIED TERRITORIES AND LAYS DOWN A STANDARD WHICH WE BELIEVE MUST BE RESPECTED BY ALL.

MR. CHAIRMAN, I MUST BE FRANK IN SAYING THAT THIS RESOLUTION IS NOT CONSTRUCTIVE IN ALL ITS ASPECTS. WE BELIEVE THAT ITS LANGUAGE IS NOT AS BALANCED OR AS LOFTY AS IT MIGHT BE WHEN ONE CONSIDERS THE IMPORTANT ISSUES THAT IT ADDRESSES. MORE IMPORTANTLY, THE RESOLUTION DOES NOT SUFFICIENTLY TAKE INTO ACCOUNT SIGNIFICANT DEVELOPMENTS AND THE PROGRESS THAT HAS BEEN MADE TOWARD REAL AND LASTING PEACE IN THE MIDDLE EAST IN THE PAST SEVERAL MONTHS. THE CAMP DAVID ACCORDS, SIGNED BY PRESIDENT SADAT OF EGYPT AND PRIME MINISTER BEGIN OF ISRAEL ON SEPTEMBER 17 THIS YEAR, SET FORTH A FRAMEWORK WITHIN WHICH THE PROBLEM WE ARE CONSIDERING CAN BE RESOLVED THROUGH PEACEFUL NEGOTIATION AMONG THE PARTIES

INVOLVED. OUR CONSIDERATION OF THE ISSUE OF SETTLEMENTS WOULD NOT BE REALISTIC OR COMPLETE IF WE DID NOT NOTE THAT ISRAEL HAS UNDERTAKEN A SOLEMN COMMITMENT TO WITHDRAW FROM THE SINAI RETURNING THE AREA TO THE FULL EXERCISE OF EGYPTIAN SOVEREIGNTY. NOR SHOULD WE NEGLECT THE FACT THAT EGYPT AND ISRAEL HAVE AGREED TO PROCEDURES WITH REGARD TO THE WEST BANK AND GAZA WHICH ARE RELEVANT, INDEED KEY, TO OUR DISCUSSION TODAY. IT IS OUR VIEW THAT IT WILL BE NECESSARY FOR THE PARTIES IN THOSE NEGOTIATIONS LOOKING TOWARD A RELATIONSHIP OF PEACE TO DEFINE THE MUTUAL RIGHTS OF INHABITANTS TO DO BUSINESS, TO WORK, TO LIVE AND TO CARRY ON OTHER TRANSACTIONS IN EACH OTHER'S TERRITORY.

REGARDING THE LANGUAGE DESCRIBING OCCUPIED TERRITORIES AS "PALESTINIAN AND OTHER OCCUPIED ARAB TERRITORIES," THE U.S. DOES NOT READ THIS TO PREJUDGE IN ANY WAY THE OUTCOME OF THE NEGOTIATIONS ON THE FINAL STATUS OF THE WEST BANK AND GAZA. THE U.S. BELIEVES THE INHABITANTS OF THE WEST BANK AND GAZA MUST PARTICIPATE IN THE DETERMINATION OF THE FUTURE OF THOSE AREAS. WE SEE THE RESOLUTION AS CONSISTENT WITH THIS VIEW, but we have abstained on operative paragraphs 1 and 2.

MR. CHAIRMAN, MY GOVERNMENT WOULD HAVE PREFERRED THAT THE RESOLUTION WE HAVE JUST PASSED TAKE NOTE OF THESE IMPORTANT DEVELOPMENTS. NONETHELESS, BECAUSE ITS THRUST AND INTENT ACCORD WITH THE POLICY OF THE UNITED STATES IN MOST RESPECTS, WE HAVE VOTED IN FAVOR OF IT.

Mr. President, the United States has voted in favor of Resolution A/SPC/33/L.15 since we have long held that the Fourth Geneva Convention is applicable throughout the territories occupied since 1967.

We have voted against Resolution A/SPC/33/L.17 Rev. 1 because we believe it makes allegations which have not been adequately verified and because the report on which it is based is, in our view, biased and one-sided. We do not believe the report or the Resolution contribute to the cause of peace in the area.

Thank you, Mr. Chairman.

5. Resolution 32/91, December 13, 1977

✓32/91. Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories

A – US voted yes

The General Assembly,

Recalling its resolutions 3092 A (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975 and 31/106 B of 16 December 1976,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[20]

Noting that Israel and those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to that Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem;

2. *Strongly deplores* the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967;

3. *Calls again upon* Israel to acknowledge and to comply with the provisions of that Convention in all the Arab territories it has occupied since 1967, including Jerusalem;

4. *Urges once more* all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem.

101st plenary meeting
13 December 1977

B – US abstained

The General Assembly,

Recalling its resolutions 3240 C (XXIX) of 29 November 1974, 3525 C (XXX) of 15 December 1975 and 31/106 D of 16 December 1976,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,[21] in particular annex II thereof, entitled "Report on damage at Quneitra", a report on the nature, extent and value of damage, submitted by a Swiss expert engaged by the Special Committee,

1. *Expresses its appreciation* of the thoroughness and impartiality with which the expert engaged by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories discharged the tasks entrusted to him;

2. *Condemns* the massive, deliberate destruction of Quneitra perpetrated during the Israeli occupation and prior to the withdrawal of Israeli forces from that city in 1974;

3. *Reaffirms* that the Syrian Arab Republic is entitled to full and adequate compensation, under international law and in equity, for the massive damage and deliberate destruction perpetrated in Quneitra while it was under Israeli occupation, and to all other legal remedies in accordance with applicable international law and practice;

4. *Takes note* of the statements made by the representative of the Syrian Arab Republic before the Special Political Committee at the thirty-first[22] and thirty-second[23] sessions of the General Assembly to the effect that his Government reserves all rights to full compensation in regard to all damages resulting from Israel's deliberate destruction of Quneitra, including those not covered by the expert's above-mentioned report or not falling within the scope of his assignment;

5. *Requests* the Special Committee to complete its survey on all the aspects referred to in paragraph 4 of the present resolution and to report thereon to the General Assembly at its thirty-third session;

6. *Requests* the Secretary-General to provide the Special Committee with all the facilities required for the completion of the tasks referred to in the previous paragraphs.

101st plenary meeting
13 December 1977

C – US voted no

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[24] as well as of other relevant conventions and regulations,

Recalling its resolutions on the subject, as well as those adopted by the Security Council, the Commission on Human Rights and other United Nations bodies concerned and by the specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied

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[20] United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

[21] A/32/284.

[22] *Official Records of the General Assembly, Thirty-second Session, Special Political Committee*, 30th meeting, para. 12.

[23] *Ibid.*, 34th meeting, paras. 7-10.

[24] United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

Territories,[30] which contains, *inter alia*, public statements made by leaders of the Government of Israel,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly;

2. *Deplores* the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. *Calls again upon* Israel to allow the Special Committee access to the occupied territories;

4. *Deplores* the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments, and condemns in particular those violations which that Convention designates as "grave breaches" thereof;

5. *Condemns* the following Israeli policies and practices:

(*a*) The annexation of parts of the occupied territories;

(*b*) The establishment of Israeli settlements therein and the transfer of an alien population thereto;

(*c*) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;

(*d*) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other;

(*e*) The destruction and demolition of Arab houses;

(*f*) Mass arrests, administrative detention and ill-treatment of the Arab population;

(*g*) The ill-treatment and torture of persons under detention;

(*h*) The pillaging of archaeological and cultural property;

(*i*) The interference with religious freedoms and practices as well as with family rights and customs;

(*j*) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

6. *Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;

7. *Demands* that Israel desist forthwith from the policies and practices referred to in paragraphs 5 and 6 of the present resolution;

8. *Reiterates* its call upon all States, in particular those States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 1 of that Convention, and upon international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including those in the field of aid, which might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

9. *Requests* the Special Committee, pending the early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories, and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

10. *Requests* the Special Committee to continue to investigate the treatment of civilians in detention in the Arab territories occupied by Israel since 1967 and to submit to the Secretary-General a special report on that subject as soon as possible and whenever the need arises thereafter;

11. *Requests* the Secretary-General:

(*a*) To render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, with a view to investigating the Israeli policies and practices referred to in the present resolution;

(*b*) To continue to make available additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(*c*) To ensure the widest circulation of the reports of the Special Committee, and of information regarding its activities and findings, by all means available through the Office of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee which are no longer available;

(*d*) To report to the General Assembly at its thirty-third session on the tasks entrusted to him in the present paragraph;

12. *Decides* to include in the provisional agenda of its thirty-third session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

101st plenary meeting
13 December 1977

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[30] A/32/284.

6. U.S. STATEMENT

Abstaining: Australia, Austria, Belgium, Canada, Colombia, Costa Rica, Denmark, El Salvador, Finland, France, Germany, Federal Republic of, Honduras, Iceland, Ireland, Italy, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Surinam, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

29. The draft resolution was adopted by 84 votes to 2, with 30 abstentions.

30. The CHAIRMAN suggested that the Committee should hear explanations of vote on the three draft resolutions adopted.

31. Miss CAMPBELL (Canada), explaining her delegation's vote on draft resolution A/SPC/32/L.17, said that Canada, as a signatory to the Fourth Geneva Convention, took its application very seriously, and it had stated on many occasions that it believed that the Convention did apply to the territories occupied by Israel. However, her delegation considered that the allegations in paragraph 4, in which Israel was condemned for unspecified "grave breaches" of the Geneva Convention, and in operative paragraph 5, had not been proven. Her delegation also had reservations concerning the conclusions in the report of the Special Committee. For those reasons it had abstained on draft resolution A/SPC/32/L.17.

32. Mrs. OGATA (Japan) said that her delegation believed that the problems in the occupied territories were due to their continuous occupation by Israel since 1967, that Israel should withdraw from them. The Japanese Government was opposed to Human rights violations in the occupied territories and appealed to the Government of Israel scrupulously to apply the Fourth Geneva Convention and refrain from any measure incompatible with its provisions. Her delegation therefore deplored the adoption by Israel of measures designed to alter the physical and demographic character of the territories, and particularly the establishment of settlements there. Her delegation had therefore voted for draft resolution A/SPC/32/L.14. However, it had abstained on draft resolutions A/SPC/32/L.16 and A/SPC/32/L.17, as it had reservations about the wording of certain paragraphs, and particularly paragraph 5 of draft resolution A/SPC/32/L.17.

33. Mrs. BENTON (United States of America) said that the United States delegation had voted against draft resolution A/SPC/32/L.17 because it believed that it contained allegations which had not been adequately verified. The report on which the resolution was based presented a selective version of conditions in the occupied territories and drew extensively on questionable sources of information. Her delegation had voted in favour of resolution A/SPC/32/L.14, since it had long held that the Fourth Geneva Convention applied throughout the territories occupied since 1967. It had abstained on draft resolution A/SPC/32/L.16, as it had done on a similar resolution the previous year. It still considered that the allegations made were serious. However, it believed that the question of compensation was one which must be addressed by the parties in the context of a final settlement, and that it should not be prejudged by the Committee.

34. Mr. LIED (Norway) said that his delegation had abstained on draft resolution

7. Resolution 32/5, October 28, 1977

✓ **32/5. Recent illegal Israeli measures in the occupied Arab territories designed to change the legal status, geographical nature and demographic composition of those territories in contravention of the principles of the Charter of the United Nations, of Israel's international obligations under the fourth Geneva Convention of 1949 and of United Nations resolutions, and obstruction of efforts aimed at achieving a just and lasting peace in the Middle East**

(Sustained

The General Assembly,

Stressing the urgent need to achieve a just and lasting peace in the Middle East,

Expressing grave anxiety and concern over the present serious situation in the occupied Arab territories as a result of the continued Israeli occupation and the measures and actions taken by the Government of Israel, as the occupying Power, and designed to change the legal status, geographical nature and demographic composition of those territories,

Considering that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[6] is applicable to all the Arab territories occupied since 5 June 1967,

1. *Determines* that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction of efforts aimed at achieving a just and lasting peace in the Middle East;

2. *Strongly deplores* the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the occupied Arab territories;

3. *Calls upon* Israel to comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

4. *Calls once more upon* the Government of Israel, as the occupying Power, to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem;

5. *Urges* all States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to ensure respect for and compliance with its provisions in all the Arab territories occupied by Israel since 1967, including Jerusalem;

6. *Requests* the Secretary-General:

(*a*) To undertake urgent contacts with the Government of Israel to ensure the prompt implementation of the present resolution;

(*b*) To submit a report to the General Assembly and the Security Council, not later than 31 December 1977, on the results of his contacts;

7. *Requests* the Security Council to review the situation in the light of the present resolution and of the report of the Secretary-General.

52nd plenary meeting
28 October 1977

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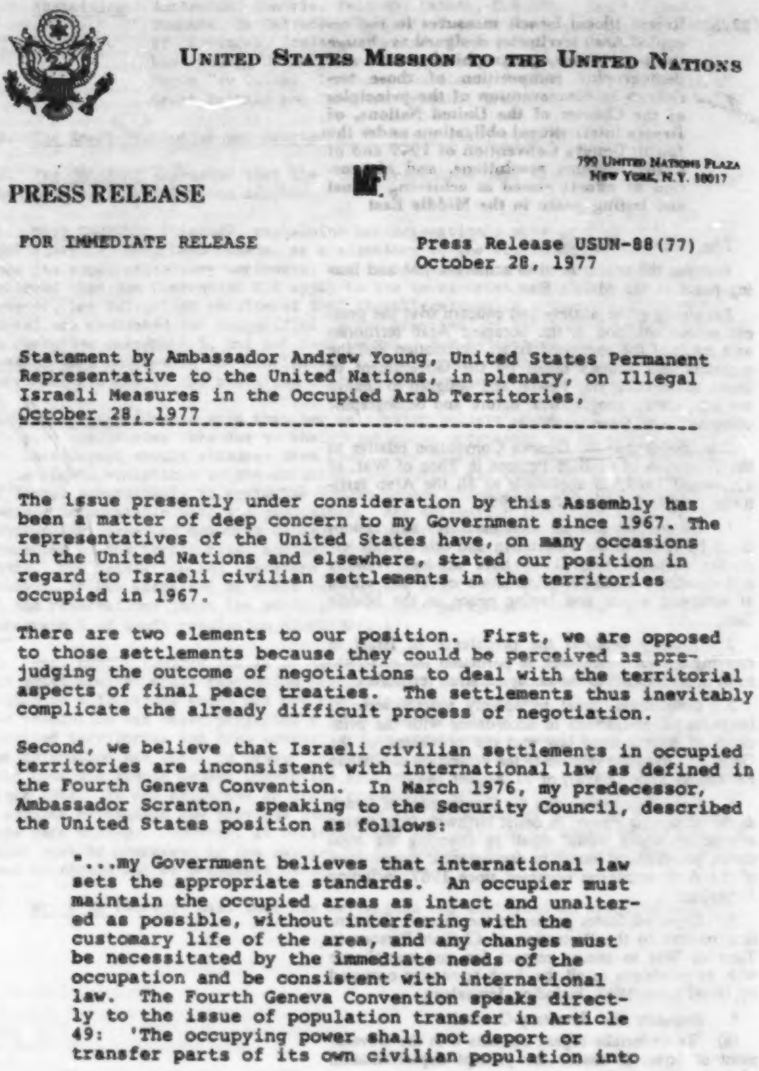
[6] United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

8. U.S. STATEMENT



UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
NEW YORK, N.Y. 10017

PRESS RELEASE

FOR IMMEDIATE RELEASE

Press Release USUN-88(77)
October 28, 1977

Statement by Ambassador Andrew Young, United States Permanent Representative to the United Nations, in plenary, on Illegal Israeli Measures in the Occupied Arab Territories, October 28, 1977

The issue presently under consideration by this Assembly has been a matter of deep concern to my Government since 1967. The representatives of the United States have, on many occasions in the United Nations and elsewhere, stated our position in regard to Israeli civilian settlements in the territories occupied in 1967.

There are two elements to our position. First, we are opposed to those settlements because they could be perceived as prejudging the outcome of negotiations to deal with the territorial aspects of final peace treaties. The settlements thus inevitably complicate the already difficult process of negotiation.

Second, we believe that Israeli civilian settlements in occupied territories are inconsistent with international law as defined in the Fourth Geneva Convention. In March 1976, my predecessor, Ambassador Scranton, speaking to the Security Council, described the United States position as follows:

> "...my Government believes that international law sets the appropriate standards. An occupier must maintain the occupied areas as intact and unaltered as possible, without interfering with the customary life of the area, and any changes must be necessitated by the immediate needs of the occupation and be consistent with international law. The Fourth Geneva Convention speaks directly to the issue of population transfer in Article 49: 'The occupying power shall not deport or transfer parts of its own civilian population into

the territory it occupies.' Clearly then, substantial resettlement of the Israeli civilian population to occupied territories, including in East Jerusalem, is illegal under the Convention and cannot be considered to have prejudged the outcome of future negotiations between the parties on the location of the borders of states of the Middle East."

Mr. President, I have stated our position in the clearest possible terms. The resolution before us today is consistent in most respects with the position of the United States. However, the United States has accepted a special responsibility as Co-Chairman of the Geneva Middle East Peace Conference. That responsibility requires that we remain impartial and stand apart from any effort of this sort which could be understood as involving the complex issues which will be considered at Geneva. Thus, Mr. President, we have abstained on this resolution.

9. Resolution 31/106, December 16, 1976

31/106. Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories

A US voted "No"

The General Assembly,

Guided by the principles of the Charter of the United Nations, in particular the principles of sovereignty and territorial integrity,

Bearing in mind the rules of international law concerning occupation, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[14]

1. *Strongly deplores* the measures taken by Israel in the Arab territories occupied since 1967 that alter their demographic composition or geographical nature, and particularly the establishment of settlements;

2. *Declares* that such measures have no legal validity and cannot prejudice the outcome of the search fo the establishment of peace, and considers that suc measures constitute an obstacle to the achievement o a just and lasting peace in the area;

3. *Declares further* that all legislative and administrative measures taken by Israel, including the expropriation of land and properties thereon and the transfe of populations, which purport to change the legal statu of Jerusalem are invalid and cannot change that status

4. *Urgently calls once more upon* Israel to rescin all those measures and to desist forthwith from takin any further measures which tend to change the demographic composition, geographical nature or status o the occupied Arab territories or any part thereof, including Jerusalem.

101st plenary meeting
16 December 1976

B US voted "yes"

The General Assembly,

Recalling its resolutions 3092 A (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974 and 3525 B (XXX) of 15 December 1975,

Considering that the promotion of respect for the obligations arising from the Charter of the Unitec Nations and other instruments and rules of internationa law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[15]

Noting that Israel and those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to that Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem;

2. *Deplores* the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967;

3. *Calls again upon* Israel to acknowledge and to comply with the provisions of that Convention in all the Arab territories it has occupied since 1967, including Jerusalem;

4. *Urges once more* all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem.

101st plenary meeting
16 December 1976

C US voted "No"

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

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[12] *Ibid.*, agenda item 54, document A/31/337.
[13] *Ibid.*, annex.
[14] United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.
[15] *Ibid.*

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[16] as well as of other relevant conventions and regulations,

Recalling its resolutions on the subject, as well as those adopted by the Security Council, the Commission on Human Rights and other United Nations bodies concerned and by specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,[17] which contains, *inter alia*, public statements made by leaders of the Government of Israel,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly;

2. *Deplores* the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. *Calls again upon* Israel to allow the Special Committee access to the occupied territories;

4. *Deplores* the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments;

5. *Condemns*, in particular, the following Israeli policies and practices:

(*a*) The annexation of parts of the occupied territories;

(*b*) The establishment of Israeli settlements therein and the transfer of an alien population thereto;

(*c*) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;

(*d*) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other;

(*e*) The destruction and demolition of Arab houses;

(*f*) Mass arrests, administrative detention and ill-treatment of the Arab population;

(*g*) The ill-treatment of persons under detention;

(*h*) The pillaging of archaeological and cultural property;

(*i*) The interference with religious freedoms and practices, particularly as manifested most recently in Al-Khalil, as well as family rights and customs;

(*j*) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

6. *Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;

7. *Demands* that Israel desist forthwith from the policies and practices referred to in paragraphs 5 and 6 above;

8. *Reiterates* its call upon all States, international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including those in the field of aid, which might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

9. *Requests* the Special Committee, pending the early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories, and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

10. *Requests* the Secretary-General:

(*a*) To render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, with a view to investigating the Israeli policies and practices referred to in the present resolution;

(*b*) To continue to make available additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(*c*) To ensure the widest circulation of the reports of the Special Committee, and of information regarding its activities and findings, by all means available through the Office of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee which are no longer available;

(*d*) To report to the General Assembly at its thirty-second session on the tasks entrusted to him in the present paragraph;

11. *Decides* to include in the provisional agenda of its thirty-second session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

101st plenary meeting
16 December 1976

D

US abstained

The General Assembly,

Recalling its resolutions 3240 C (XXIX) of 29 November 1974 and 3525 C (XXX) of 15 December 1975,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,[18] and in particular section V thereof, entitled "Quneitra", and annex III thereto, a report entitled "Quneitra: report on nature, extent and value of damage", submitted by a Swiss expert engaged by the Special Committee,

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[16] *Ibid.*

[17] A/31/218.

[18] *Ibid.*

1. *Expresses its appreciation* of the thoroughness and impartiality with which the expert engaged by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories discharged the tasks entrusted to him;

2. *Condemns* the massive, deliberate destruction of Quneitra perpetrated during the Israeli occupation and prior to the withdrawal of Israeli forces from that city in 1974;

3. *Recognizes* that the Syrian Arab Republic is entitled to full and adequate compensation, under international law and in equity, for the massive damage and deliberate destruction perpetrated in Quneitra while it was under Israeli occupation, and to all other legal remedies in accordance with applicable international law and practice;

4. *Takes note* of the statement made by the representative of the Syrian Arab Republic before the Special Political Committee, to the effect that his Government reserves all rights to full compensation in regard to all damages resulting from Israel's deliberate destruction of Quneitra, including those not covered by the expert's above-mentioned report or not falling within the scope of his assignment;

5. *Requests* the Special Committee to complete its survey on all the aspects referred to in paragraph 4 above and to report thereon to the General Assembly at its thirty-second session;

6. *Requests* the Secretary-General to provide the Special Committee with all the facilities required for the completion of the tasks referred to in the previous paragraphs.

101st plenary meeting
16 December 1976

10. U.S. STATEMENT

STATEMENT BY AMBASSADOR ALBERT W. SHERER, JR., UNITED STATES REPRESENTATIVE IN THE SPECIAL POLITICAL COMMITTEE, IN EXPLANATION OF VOTE ON REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES, DECEMBER 2, 1976

9. RESOLUTION 31/106. DECEMBER 16, 1976

We have voted against Resolution A/SPC/31/L.11 (became 31/106 C (the omnibus resolution) because we believe that the extensive list of allegations contained therein are sufficiently serious that they deserve more careful and balanced investigation and certainly more precise definition than is evident either in the committee's report or in this resolution. Such simplistic approaches to complex issues devalue the work of the General Assembly. At the same time, we have supported Resolution L.10, [became 31/106 B which reiterates the fundamental and important point that the Fourth Geneva Convention applies to the occupied territories. This is a position long held by the United States.

The United States has voted against Resolution L.9 (became 31/106 A which deals with the question of Israeli civilian settlements in the occupied Arab territories. The views of my government on this matter have been set forth in considerable detail on many previous occasions, most recently in the Security Council on November 11. We demur, in particular, on one vital point in this resolution, and that is the demand that Israel rescind measures taken in all the occupied territories. We consider this

-more-sweeping injunction to be excessive and out of place in any context which does not include all aspects of a just and lasting peace in the area.

Our no vote is intended to underline that we take strong exception to the manner in which this resolution came before this Committee. With one important exception, it simply takes the recent Security Council consensus statement and adds to it the element which was removed in the development of the consensus. Its sponsors thus ask the Assembly to reinterpret or expand on the Council's statement. Beyond this, having joined in a consensus statement which emerged from deliberations in the Security Council, we do not -- and will not -- feel obliged automatically to support similar efforts elsewhere, especially in another context, or forum, or when the item under consideration is different or has a distinctive history and purpose.

With all due respect, we must observe that United Nations deliberations are not a game in which one side gains victories by running up tallies of condemnations of the other. The United States for its part will approach debates on the Middle East with one principal criterion in mind: will this debate or this resolution contribute to overall efforts to advance the cause of peace in the area? We do not believe the present resolution passes that test.

Chesme 81/106 I

Finally, Mr. Chairman, I wish to explain our abstention on the Resolution L.12 which deals with Quneitra. We have previously stated our view with respect to the seriousness of the allegations under consideration. In our view, however, the issues involved in the whole question of compensation are properly a matter for the negotiation of a settlement between the parties, and we do not believe they should be prejudged by this Committee. For this reason we have not been able to support the resolution.

11. RESOLUTION 3525 (XXX), DECEMBER 15, 1975

3525 (XXX). Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories

A

US voted "NO"

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[13] as well as of other relevant conventions and regulations,

Recalling its resolutions on the subject, as well as those adopted by the Security Council, the Commission on Human Rights and other United Nations bodies concerned and by specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,[14] which contains, *inter alia*, public statements made by leaders of the Government of Israel,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly;

2. *Deplores* the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. *Calls again upon* Israel to allow the Special Committee access to the occupied territories;

4. *Deplores* the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments;

5. *Condemns*, in particular, the following Israeli policies and practices:

(*a*) The annexation of parts of the occupied territories;

(*b*) The establishment of Israeli settlements therein and the transfer of an alien population thereto;

(*c*) The destruction and demolition of Arab houses;

(*d*) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other;

(*e*) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;

(*f*) Mass arrests, administrative detention and ill-treatment of the Arab population;

(*g*) The pillaging of archaeological and cultural property;

(*h*) The interference with religious freedoms and practices, as well as family rights and customs;

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[13] United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.
[14] A/10272.

(*i*) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

6. *Declares* that those policies and practices of Israel constitute grave violations of the Charter of the United Nations, in particular the principles of sovereignty and territorial integrity, and the principles and provisions of international law concerning occupation, and constitute as well an impediment to the establishment of a just and lasting peace;

7. *Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, are null and void;

8. *Reaffirms further* that Israel's policy of settling parts of its population and new immigrants in the occupied territories is a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions, and urges all States to refrain from any action which Israel will exploit in carrying out its policy of colonizing the occupied territories;

9. *Demands* that Israel desist forthwith from the annexation and colonization of the occupied Arab territories as well as from all the policies and practices referred to in paragraph 5 above;

10. *Reiterates* its call upon all States, international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including actions in the field of aid, which might be used by Israel in its pursuit of the policies and practices referred to in the present resolution;

11. *Requests* the Special Committee, pending the early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories, and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

12. *Requests* the Secretary-General:

(*a*) To render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories with a view to investigating Israeli policies and practices referred to in the present resolution;

(*b*) To make available additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(*c*) To ensure the widest circulation of the reports of the Special Committee, and of information regarding its activities and findings, by all means available through the Office of Public Information of the Secretariat;

(*d*) To report to the General Assembly at its thirty-first session on the tasks entrusted to him;

13. *Decides* to include in the provisional agenda of its thirty-first session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

B

US voted "yes"

The General Assembly,

Recalling its resolutions 3092 A (XXVIII) of 7 December 1973 and 3240 B (XXIX) of 29 November 1974,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[13]

Noting that Israel and those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to that Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem;

2. *Deplores* the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967;

3. *Calls once more upon* Israel to acknowledge and to comply with the provisions of that Convention in all the Arab territories it has occupied since 1967, including Jerusalem;

4. *Urges* all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem.

2441st plenary meeting
15 December 1975

C

US abstained

The General Assembly,

Recalling its resolution 3240 C (XXIX) of 29 November 1974,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,[14] in particular section V thereof concerning action by the Special Committee to implement the provisions of paragraph 3 of resolution 3240 C (XXIX),

Noting that the Special Committee was not able to submit to the General Assembly at its current session a full report in accordance with the request made in paragraph 3 of resolution 3240 C (XXIX),

1. *Requests* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories to continue its efforts to undertake a survey of the destruction in Quneitra and to assess the nature, extent and value of the damage caused by such destruction;

2. *Requests* the Secretary-General to continue to make available to the Special Committee all the facilities necessary in the performance of its tasks and to report to the General Assembly at its thirty-first session.

D Voted "NO"

The General Assembly,

Recalling its resolutions 2253 (ES-V) of 4 July 1967, 2254 (ES-V) of 14 July 1967 and 3240 (XXIX) of 29 November 1974 and Security Council resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969 and 298 (1971) of 25 September 1971,

Taking note of the information contained in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,[14]

Noting with concern the actions of the Israeli authorities in changing the institutional structure and established religious practices in the sanctuary of Al-Ibrahimi Mosque in the city of Al-Khalil,

Considering that these actions constitute grave violations of human rights and religious freedom and of the norms of international law, in particular article 27 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[10]

Considering also that these violations of established religious rights are a challenge to the susceptibilities of hundreds of millions of Moslems all over the world,

Considering furthermore that these violations, which have already caused civil and religious disturbances, constitute a new threat to peace and security in the area,

1. *Declares* all measures taken by the Israeli authorities with a view to changing the institutional structure and established religious practices in the sanctuary of Al-Ibrahimi Mosque in the city of Al-Khalil null and void;

2. *Calls upon* Israel to rescind and to desist forthwith from all such measures;

3. *Requests* the Secretary-General to investigate the situation in Al-Ibrahimi Mosque by contacting the Islamic, Arab and other authorities concerned, and to report as soon as possible on the implementation of paragraph 2 above;

4. *Calls upon* Israel to co-operate with the Secretary-General and to facilitate his task.

2441st plenary meeting
15 December 1975

12. RESOLUTION 3240 (XXIX), NOVEMBER 29, 1974

3240 (XXIX). Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories

A US + Israel "No"

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[4] as well as of other relevant conventions and regulations,

Recalling its resolutions on the subject, as well as those adopted by the Security Council, the Commission on Human Rights and other United Nations bodies concerned and by specialized agencies,

Considering that the implementation of the Geneva Convention of 12 August 1949 cannot and should not be left open in a situation involving foreign military occupation and the rights of the civilian population of those territories,

Deploring the continued refusal by Israel to allow the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories access to the occupied territories,

Having considered the report of the Special Committee,[5]

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly;

2. *Calls upon* Israel to allow the Special Committee access to the occupied territories;

3. *Expresses the gravest concern* at the continued and persistent disregard by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments, in particular the following violations:

(*a*) The annexation of parts of the occupied territories;

(*b*) The establishment of Israeli settlements therein and the transfer of an alien population thereto;

(*c*) The destruction and demolition of Arab houses, illages and towns;

(*d*) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other;

(*e*) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;

(*f*) Mass arrests, administrative detention and ill-treatment of the Arab population;

(*g*) The pillaging of archaeological and cultural property;

(*h*) The interference with religious freedom and practices, as well as family rights and customs;

(*i*) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

4. *Declares* that those policies of Israel constitute not only a direct contravention to, and violation of, the purposes and principles of the Charter of the United Nations, in particular the principles of sovereignty and territorial integrity, the principles and provisions of the applicable international law concerning occupation and the basic human rights of the people, but also an impediment to the establishment of a just nd lasting peace;

5. *Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, are null and void;

6. *Reaffirms further* that Israel's policy of settling parts of its population and new immigrants in the occupied territories is a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions, and urges all States to refrain from any action which Israel will exploit in carrying out its policy of colonizing the occupied territories;

7. *Demands* that Israel desist forthwith from the annexation and colonization of the occupied Arab territories as well as from all the policies and practices referred to in paragraph 3 above;

8. *Reiterates* its call upon all States, international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including actions in the field of aid, which might be used by Israel in its pursuit of the policies and practices referred to in the present resolution;

9. *Requests* the Special Committee, pending the early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories, and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

10. *Requests* the Secretary-General:

(*a*) To render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories with a view to investigating Israeli policies and practices referred to in the present resolution;

(*b*) To ensure the widest circulation of the reports of the Special Committee, and of information regarding its activities and findings, by all means available through the Office of Public Information of the Secretariat;

(*c*) To report to the General Assembly at its thirtieth session on the tasks entrusted to him;

11. *Decides* to include in the provisional agenda of its thirtieth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

2303rd plenary meeting
29 November 1974

B US voted "yes"

The General Assembly,

Affirming that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[4]

Recalling that Israel and those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Reaffirming that States parties to that Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. *Reaffirms*, that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967;

2. *Calls once more upon* Israel to respect and to comply with the provisions of that Convention in the Arab territories occupied by Israel;

3. *Urges* all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in the Arab territories occupied by Israel.

2303rd plenary meeting
29 November 1974

C US abstained

The General Assembly,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,[5] in particular section V thereof concerning the destruction of the town of Quneitra,

Recalling that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[4] provides that any destruction by the occupying Power of real or personal property belonging individually or collectively to private persons, to the State, to other public authorities or to social or co-operative organizations is prohibited,

Noting the Special Committee's deep-seated conviction that the Israeli forces and the Israeli occupying authorities were responsible for the deliberate and total devastation of Quneitra, in violation of article 53 of the Geneva Convention of 12 August 1949 and under article 147 thereof,

Noting further the Special Committee's opinion that the gravity of the circumstances would justify the appointment of a commission to study the legal consequences of the devastation of Quneitra, particularly within the context of articles 53 and 147 of the Geneva Convention, bearing in mind the provisions of article 6 (*b*) of the Charter of the International Military Tribunal of Nuremberg,[a] confirmed by the General Assembly in its resolution 95 (I) of 11 December 1946,

1. *Endorses* the conclusion of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories that Israel is responsible for the destruction and devastation of the town of Quneitra;

2. *Regards* Israel's deliberate destruction and devastation of the town of Quneitra as a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and condemns Israel for such acts;

3. *Requests* the Special Committee, with the assistance of experts, designated if necessary in consultation with the Secretary-General, to undertake a survey of the destruction in Quneitra and to assess the nature, extent and value of the damage caused by such destruction;

4. *Requests* the Secretary-General to make available to the Special Committee all the facilities necessary in the performance of its task and to report to the General Assembly at its thirtieth session.

2303rd plenary meeting
29 November 1974

13. U.S. STATEMENT OF JULY 3, 1967

UNITED STATES DELEGATION
TO THE FIFTH EMERGENCY SPECIAL SESSION OF THE
GENERAL ASSEMBLY OF THE UNITED NATIONS

FOR IMMEDIATE RELEASE

PRESS RELEASE USUN-117 Corr.1
July 3, 1967

Address by Ambassador Arthur J. Goldberg, United States Representative to the United Nations, in Plenary Session, on the Pending Resolutions, July 3, 1967.

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Mr. President:

As we approach a vote on the pending resolutions, this General Assembly can have but one over-riding purpose in the spirit of our common Charter; a stable, enduring and just peace in the Middle East.

What must be done to achieve this purpose of peace? The essential steps, as my Government sees them, can be summed up in ten points:

1. Without delay, armed forces should be disengaged and withdrawn to their own territories; and without delay any claims to a state of war or belligerency should be terminated.

2. The right of every Member of the United Nations in the area to maintain an independent national state of its own and to live in peace should be respected by every other Member.

3. The territorial integrity and political independence of all the states in the area should be respected and assured by appropriate arrangements.

4. Vital security interests of all states in the area should be protected.

5. All states in the area should refrain in their mutual relations from the threat or use of force in any manner whatsoever.

6. The rights of all nations to freedom of navigation and of innocent passage through international waterways should be respected.

7. A just and permanent settlement of the refugee problems should be concluded.

8. The development of national economies and the improvement of the living standards of the people should take precedence over a wasteful arms race in the area.

9. The safeguarding of the Holy Places, and freedom of access to them for all, should be internationally guaranteed; and the status of Jerusalem in relation to them should be decided not unilaterally but in consultataion with all concerned.

10. International arrangements should be made to help the parties achieve all these results, including appropriate assistance from the United Nations or other (third parties).

It is in the light of these views that we have decided the position of the United States on the two major resolutions which are about to come to a vote. I wish to state that position explicitly and our reasons for it.

The United States will vote for the resolution presented by the nineteen Latin American states.

The United States will vote against the resolution presented by Yugoslavia and sixteen other members.

A basic difference exists between these two resolutions -- a difference which no embellishments or details can obscure.

The Yugoslav text proposes to deal with the problem of peace and security in the Middle East by calling basically for one fundamental action: the withdrawal of Israel's forces "to the positions they held prior to 5 June 1967." It leaves untouched the other half of the problem which must be immediately addressed if the demands of the Charter are to be satisfied: namely, the persistent claim by certain Members of this Organization of the right to annihilate another Member. This claim, which directly affronts the Charter and every sense of fairness, is to be left unimpaired -- and those who assert it are to be left free, at a time of their own choosing, to make good on it by force.

Indeed, the Yugoslav text contains no clear provision to deal with any of the long-standing grievances and causes of conflict which have kept the Middle East in a fever of tension for twenty years.

Let me emphasize that the successive revisions of paragraph 6 in the Yugoslav draft have not cured the basic defects of this resolution. Paragraph 1, concerning withdrawal, could not be more clear and definite. Paragraph 6, concerning "all aspects of the situation" is vague in the extreme.

The effect of this Yugoslav text, as revised, is obvious. It calls for withdrawal now -- and every other essential step is left to the uncertain future. In particular it makes no connection whatever between withdrawal and the end of claims of belligerency -- claims which are among the leading causes of all of the troubles of the past.

The Latin American text, on the other hand, treats at one and the same time both of the most vital necessities of peace. Its first paragraph combines, on an equal basis, the withdrawal of Israel's forces with the ending of all claims to a state of belligerency and with efforts to create "conditions of coexistence based on good neighborliness." It recognizes that we face a situation whose two aspects are interdependent -- that neither aspect can be solved in isolation from the other.

Certainly any fair and meaningful reading of our Charter must lead to the same conclusion. If the Charter is to be invoked -- as indeed it must -- to require withdrawal of troops in the name of territorial integrity, then surely it must be invoked also, and equally, and at the same time, to require an end to claims of the right to wage war.

Unless the governments in the area are prepared to refrain from these totally unfounded claims of belligerency, there obviously can be no peace. Cooperation to assure troop disengagement and withdrawal -- and the other essentials of peace -- must by definition be a two-way street. The Assembly can hardly endorse a formula in which one side is free to assert that there is a state of war and the other side is asked to behave as if there were not.

A choice must be made between the claims of war and the claims of peace.

Of all the claims of peace, none is more fundamental as every Member of this Assembly must recognize, than the right of a sovereign state, a Member of the United Nations, to have its existence and its independence respected. In no other case in the history of the United Nations have members of this Organization failed to accord this elemental right to another Member.

This right has been the subject of important statements during this debate from a wide range of speakers. On June 19, in fact, in the opening statement of the debate, we heard Chairman Kosygin of the Soviet Union declare, as "one of the fundamental principles" of his country's policy, that "every people enjoys the right to establish an independent national state of its own." We do not see this point referred to in the Yugoslav Resolution.

Again, at our very last meeting on Friday, we heard the Foreign Minister of Uruguay, Dr. Luisi, declare among the first conditions of peace "the recognition by the parties to this dispute of the irrevocability of their existence as sovereign states." We do not see this point either in the Yugoslav Resolution.

In fact, we can search the Yugoslav text from start to finish without finding any words about respect for the elemental right of national existence -- the absence of which is the very bottom of the trouble in the Middle East. Instead we find vague references to legal and political problems and Charter principles, to be considered at some time in the future. And this fuzzy treatment stands in strong contrast to the Yugoslav resolution's clear and concrete call for immediate withdrawal of Israel's troops to the positions held before June 5. That withdrawal -- if it could be brought about at all under such conditions -- can scarcely bring more than a pause between rounds in this long and terrible conflict.

In candor let me say that we of the United States, and no doubt many others, would have preferred a still clearer and more explicit statement on the right of national existence than that which appears in the Latin American text. But our careful reading of that text has led us to conclude that its urgent call for an end to claims of belligerency, and the other provisions of paragraph 1 (b) clearly comprehend respect for national existence and constitute a major step in the right direction. This is one of our reasons for supporting the Latin American draft, and for finding it infinitely preferable to the Yugoslav draft.

There are other reasons also for this preference. The Latin American text offers concrete guidelines for dealing with many of the other essentials of peace in the Middle East. Moreover, it deals with just grievances on both sides and there have been just grievances on both sides. Unfortunately, neither of these claims can be made for the Yugoslav draft.

Let me specify our grounds for this evaluation.

-- On the refugee problem, the Latin American text calls unambiguously for "an appropriate and full solution of the problem of refugees." My Government has taken the view that a fair and lasting solution on the refugee question is vitally necessary. Indeed, it has been made all the more urgent by the events of recent weeks. Yet the sole allusion to this problem in the Yugoslav text is in the single abstract word "humanitarian."

-- On international maritime rights, the Latin American text calls for a guarantee of "freedom of transit on the international waterways in the region." This problem is not mentioned in the Yugoslav text. And yet it was this very problem that provided the spark which led directly to the explosion of June 5. Mr. President, why do the sponsors of this resolution glide over this vital issue with vague, evasive words and with corridor hints about a possible willingness to deal with the matter?

On this crucial issue, involving not only the states immediately concerned but also vital international rights, the Yugoslav text is altogether deficient.

-- On the question of Jerusalem, again the Latin American text contains explicit language whereas the Yugoslav text is silent. The United States view on this subject has been stated at the highest levels of our Government in the past few days, and is reflected in the ten points which I listed at the outset of this statement.

In particular, the United States does not recognize the recent administrative action taken by Israel as determining the future of the Holy Places or the status of Jerusalem in relation to them. We do not recognize unilateral actions in this connection. With regard to the provision on Jerusalem in the Latin American text, our support is against the background of this policy.

-- On security arrangements, the Latin American text calls for measures to guarantee the territorial integrity and political independence of the states of the region. Among these measures it specifies the establishment of demilitarized zones, and an appropriate United Nations presence. But the Yugoslav text contains nothing more on this subject than a reference to the existing UNTSO machinery. UNTSO has performed, and is still performing, a valiant service. But surely we all recognize, and the Secretary General himself has reported, that the removal of a still more substantial United Nations presence -- the United Nations Emergency Force -- created, in the Secretary General's words, "a new situation."

The situation was altered still further by the recent hostilities. It is a situation which UNTSO with its present resources and structure cannot adequately manage.

-- Finally, on the tasks of the Security Council, the Latin American draft makes concrete recommendations concerning all of the points I have mentioned. But the Yugoslav text confines its recommendations to the broadest generalities.

Although, for all these reasons, we find the Latin American text acceptable and the Yugoslav text unacceptable, I must express regret that neither of these resolutions touches on the major issue of arms limitation in the Middle East. This issue has been discussed during this debate by a number of speakers, including those of the Soviet Union and the United States. On June 19 we listened with interest to Chairman Kosygin when he warned that nations of the Middle East, "in order to enhance their security . . . may embark on the path of an arms buildup and increase their military budgets . . . Those who cherish peace cannot and must not allow events to take this course."

This statement was very much in our minds when my Government stated here the next day, June 20, that "peace in the Middle East requires steps to avert the dangers inherent in a renewed arms race . . . The responsibility for such steps rests not only on those in the area but also upon the larger states outside the area." And we propose in our own draft resolution, as a first step in discharging this responsibility, a system of "registration and limitation of arms shipments into the area."

We remain very much interested in exploring this concept -- not in order to crystallize any military imbalance in the area, but rather to maintain a balance at the lowest possible security level. Our aim is twofold: that this source of danger shall be controlled, and that scarce resources shall be devoted to a better cause than armaments -- the technical and economic progress of the peoples of the Middle East.

Mr. President, I now wish to comment briefly on one specific aspect of the situation in the Middle East: We have before us, in addition to the draft resolutions I have discussed, another draft resolution submitted by Sweden and several co-sponsors dealing with the refugee problem. Indeed, no task is more urgent than to bind up the wounds of war, to find shelter for the homeless, food for the hungry and medicine for the sick.

To this end the United States supported in the Security Council the resolution put forward by Argentina, Brazil and Ethiopia, which the Council unanimously adopted on June 14. To the same end we now strongly support the draft resolution presented by Sweden and other members which is now before the Assembly.

Last week the United States Government allocated $5,000,000 to help meet the urgent needs of this situation and from this sum we are making a special contribution to UNRWA to help finance its operations in the immediate future.

There have been reports of the movement of civilians from their homes -- many of them refugees from earlier conflicts. We have heard these reports with much concern. All civilians in the area affected should be assured of their safety, welfare and security in the same locations in which they resided before hostilities began. We welcome the assurances recently given and hope that they will be implemented with regard to the population of the West Bank of Jordan, and that they be encouraged to remain in their homes or return to them. We welcome the news that a representative of the Secretary General is now to go to the area, and we urge all concerned, particularly the Government of Israel, to give him the fullest cooperation.

In conclusion, Mr. President, I return to the major choice which faces this Assembly. It is the key question before us. It is a choice between a tragic past and a better future. In the Yugoslav resolution we are asked to return the situation to where it stood on the eve of conflict; and only in some indefinite future would we try again to cope with underlying causes -- including the claimed right to do away with a sovereign state by armed force. This proposal cannot lead toward peace but only toward more trouble and danger. It is unconstructive and it should be rejected.

In the Latin American resolution we are asked to deal forthrightly with the great obstacles to peace: above all, and first of all, with the withdrawal of Israel's forces and with the need for all states in the area, all members of the United Nations, to respect each other's right to live in peace.

The Latin American text treates at one and the same time both of the most vital necessities of peace. Its first paragraph combines on an equal basis the withdrawal of Israel's forces with the ending of all claims to a state of belligerency and with efforts to create conditions of co-existence based on good neighborliness. It recognizes that we face a situation whose two aspects are interdependent and that neither aspect can be solved in isolation from the other.

Peace is worth sacrifices -- and all must sacrifice for it. In the wake of conflict there must be readiness on both sides to acknowledge the rights and feelings of others. There must be a willingness to refrain from pressing temporary advantages, and to take a long-range view. There must be an end to malice, to bitter thoughts of revenge, to vain threats to end the life of other nations. There must be, on every side, a willingness to accept at long last, and act upon, the admonition in our common Charter -- "to practice tolerance and live together in peace with one another as good neighbors."

Thousands of years ago it was written: "Where there is no vision, the people perish." Let us in this Assembly, in what we decide here, offer to the suffering peoples of the Middle East a new vision of peace -- a vision by which all can live in peace and security.

14. RESOLUTION 3092 (XXIII), DECEMBER 7, 1973

3092 (XXVIII). Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories

A US voted Y

The General Assembly,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[12]

Recalling that Israel and the Arab States, some of whose territories have been occupied by Israel since 1967, are parties to that Convention,

Bearing in mind that the promotion of respect for the obligations arising from treaties and other sources of international law is one of the basic objectives of the United Nations,

Bearing in mind, furthermore, that the States parties to that Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. *Affirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, applies to the Arab territories occupied by Israel since 1967;

2. *Calls upon* the Israeli occupation authorities to respect and comply with the provisions of that Convention in the occupied Arab territories;

3. *Urges* all States parties to that Convention to endeavour to ensure respect for and compliance with the provisions thereof in the occupied Arab territories.

2193rd plenary meeting
7 December 1973

B "US voted "NO""

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[13] as well as those of other relevant conventions and regulations,

Recalling its resolutions as well as those resolutions adopted by the Security Council, the Commission on Human Rights and other United Nations bodies and by specialized agencies on the question of Israeli policies and practices affecting the human rights of the population of the Arab territories occupied by Israel since 1967,

Considering that implementation of the Geneva Convention of 12 August 1949 cannot and should not be left open in a situation involving foreign military occupation and the rights of the civilian population of these territories under the provisions of that Convention and in accordance with the principles of international law,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,[14]

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly;

2. *Deplores* the continued refusal of the Government of Israel to allow the Special Committee access to the occupied territories;

3. *Expresses its grave concern* at the violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, as well as the other applicable international conventions and regulations, in particular the following violations:

(*a*) The annexation of certain parts of the occupied territories;

(*b*) The establishment of Israeli settlements in the occupied territories and the transfer of an alien population thereto;

(*c*) The destruction and demolition of Arab houses, quarters, villages and towns;

(*d*) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land between the Government of Israel, Israeli institutions and Israeli nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other;

(*e*) The evacuation, deportation, expulsion, displacement and transfer of the Arab inhabitants of the Arab territories occupied by Israel since 1967, and the denial of their right to return to their homes and property;

(*f*) Administrative detention and ill-treatment inflicted on the Arab inhabitants;

(*g*) The pillaging of archaeological and cultural property in the occupied territories;

(*h*) The interference [illegible] religious freedom, religious practices and family rights and customs;

(*i*) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

4. *Calls upon* Israel to desist immediately from the annexation and colonization of the Arab territories occupied by it since 1967, the establishment of settlements and the transfer of population to, from or within those territories, and from all the other practices referred to in paragraph 3 above;

5. *Declares* that Israel's policy of annexation, establishment of settlements and transfer of an alien population to the occupied territories is in contravention of the purposes and principles of the Charter of the United Nations, the principles and provisions of the applicable international law concerning occupation, the principles of sovereignty and territorial integrity, and the basic human rights and fundamental freedoms of the people, and is as well an impediment to the establishment of a just and lasting peace;

6. *Reaffirms* that Israel's policy of settling parts of its population and new immigrants in the occupied territories is a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and of the relevant United Nations resolutions, and urges all States to refrain from any action which Israel will exploit in carrying out its policy of colonizing the occupied territories;

7. *Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or the status of the occupied territories, or any part thereof, are null and void;

8. *Calls upon* all States, international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including actions in the field of aid, which might be used by Israel in its pursuit of the policies and practices referred to in the present resolution;

9. *Requests* the Special Committee, pending the early termination of Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories, and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

10. *Requests* the Secretary-General:

(*a*) To render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories with a view to investigating Israeli policies and practices affecting the human rights of the population of those territories;

(*b*) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available through the Office of Public Information of the Secretariat;

(*c*) To report to the General Assembly at its twenty-ninth session on the tasks entrusted to him;

11. *Decides* to include in the provisional agenda of its twenty-ninth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

2193rd plenary meeting
7 December 1973

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[11] *Ibid., Twenty-eighth Session, Annexes*, agenda item 44, document A/9236.

[12] United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

[13] *Ibid.*

[14] A/9148 and Add.1.

15. Resolution 2253 and 2254 of July 14. 1967

2253 (ES-V). Measures taken by Israel to change the status of the City of Jerusalem

The General Assembly,

Deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City,

1. *Considers* that these measures are invalid;

2. *Calls upon* Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;

3. *Requests* the Secretary-General to report to the General Assembly and the Security Council on the situation and on the implementation of the present resolution not later than one week from its adoption.

[illegible] *1548th plenary meeting,*
4 July 1967.

2254 (ES-V). Measures taken by Israel to change the status of the City of Jerusalem

The General Assembly,

Recalling its resolution 2253 (ES-V) of 4 July 1967,

Having received the report submitted by the Secretary-General,[a]

Taking note with the deepest regret and concern of the non-compliance by Israel with resolution 2253 (ES-V),

1. *Deplores* the failure of Israel to implement General Assembly resolution 2253 (ES-V);

2. *Reiterates* its call to Israel in that resolution to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;

3. *Requests* the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution.

[illegible] *1554th plenary meeting,*
14 July 1967.

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[a] A/6753. For the printed text of this document, see *Official Records of the Security Council, Twenty-second Year, Supplement for July, August and September 1967*, document S/8052.